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Oceans and the law of the sea

Oceans and the law of the sea

Report of the Secretary-General

Summary

The present report has been prepared pursuant to the request of the General Assembly in paragraph 173 of its resolution 63/111 that the Secretary-General submit to the Assembly at its sixty-fourth session a comprehensive report on oceans and the law of the sea, and make the section of the report related to the topic of focus of the tenth meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea available at least six weeks in advance of the meeting of the Consultative Process. Accordingly, the present report constitutes the first part of the comprehensive report on oceans and the law of the sea and is aimed at facilitating the discussions at the tenth meeting on the topic of focus, "Implementation of the outcomes of the Consultative Process, including a review of its achievements and shortcomings in the first nine meetings". It is also submitted to States parties to the United Nations Convention on the Law of the Sea, pursuant to article 319 of the Convention, to be considered by the Meeting of States Parties under the agenda item "Report of the Secretary-General under article 319 for the information of States parties on issues of a general nature, relevant to States Parties that have arisen with respect to the United Nations Convention on the Law of the Sea". The report provides information on the establishment of the Consultative Process and an overview of its functioning, including a summary of the outcomes of its meetings; reviews how those outcomes have generally been incorporated in the relevant General Assembly resolutions and what subsequent major actions have been taken; and summarizes the views that have been expressed on the achievements and shortcomings of the Consultative Process at its meetings and in the contributions to the present report.

* A/64/50.

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Abbreviations

FAO	Food and Agriculture Organization of the United Nations
IHO	International Hydrographic Organization
ILO	International Labour Organization
IMO	International Maritime Organization
IOC	Intergovernmental Oceanographic Commission of UNESCO
ISA	International Seabed Authority
MARPOL	International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto
IUCN	World Conservation Union
OSPAR	Commission for the Protection of the Marine Environment of the North-East Atlantic
UNDP	United Nations Development Programme
UNEP	United Nations Environment Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHCR	Office of the United Nations High Commissioner for Refugees
UNIDO	United Nations Industrial Development Organization
UNODC	United Nations Office on Drugs and Crime
WCO	World Customs Organization
WCPFC	Western and Central Pacific Fisheries Commission

I. Introduction

1. Pursuant to the request of the General Assembly, the present report on oceans and the law of the sea is submitted to the General Assembly and to the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea[1] as well as to the Meeting of States Parties to the United Nations Convention on the Law of the Sea.[2]

2. At its sixty-third session, the General Assembly decided that the tenth meeting of the Consultative Process would focus its discussions on the implementation of the outcomes of the Consultative Process, including a review of its achievements and shortcomings in its first nine meetings.[3] With the aim of facilitating such discussions, the first part of the report addresses the topic of focus of the tenth meeting.

3. The comprehensive coverage of developments in ocean affairs and the law of the sea, other than the topic of focus of the Consultative Process, will be included in the second part of the report, which will be made available to Member States prior to the consideration of the item "Oceans and the law of the sea" by the General Assembly,[4] together with the other reports that have been requested by the Assembly: the report relating to marine biodiversity beyond areas of national jurisdiction,[5] and the report on the actions taken by States and regional fisheries management organizations and arrangements to give effect to paragraphs 83 to 90 of resolution 61/105.[6]

4. The report benefited from the contributions of Member States[7] and intergovernmental organizations engaged in activities relating to ocean affairs and the law of the sea.[8] In keeping with the past practice, contributions have been summarized as appropriate. The full texts of all contributions are available on the website of the Division for Ocean Affairs and the Law of the Sea.[9]

II. Establishment of the Consultative Process

5. The Consultative Process was established pursuant to General Assembly resolution 54/33 of 24 November 1999, which in turn was based on decision 7/1 of the Commission on Sustainable Development.

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[1] Resolution 63/111, para. 173.

[2] Ibid., para. 175.

[3] Ibid., para. 165.

[4] In accordance with the new format agreed to by the General Assembly in paragraph 173 of its resolution 63/111, the comprehensive coverage of issues, other than the topic of focus, in a single document is aimed at streamlining the reporting thereon and reducing the total length of the reports of the Secretary-General.

[5] Resolution 63/111, para. 128. That report is intended to assist the Ad Hoc Open-ended Informal Working Group in preparing its agenda.

[6] Resolution 63/112, para. 107.

[7] Received from States pursuant to a note verbale sent by the Division for Ocean Affairs and the Law of the Sea in December 2008.

[8] Received pursuant to the request in paragraph 167 of General Assembly resolution 63/111.

[9] See www.un.org/depts/los/consultative_process/consultative_process.htm.

A. Decision 7/1 of the Commission on Sustainable Development

6. In its decision 7/1,[10] adopted following its review in 1999 of the sectoral theme of "Oceans and seas", the Commission on Sustainable Development urged relevant institutions, whether national, regional or global, to enhance collaboration with each other, taking into account their respective mandates, with a view to promoting coordinated approaches, avoiding duplication of effort, enhancing the effective functioning of existing organizations and ensuring better access to information and broadening its dissemination. The Commission noted that the complex and interrelated nature of the oceans and seas presented a special case in regard to the need for international coordination and cooperation. The Commission was therefore convinced that, building on existing arrangements, a more integrated approach was required to all legal, economic, social and environmental aspects of the oceans and seas, both at intergovernmental and inter-agency levels. To achieve that goal, the Commission invited the Secretary-General (a) to undertake measures aimed at ensuring more effective collaboration between relevant parts of the Secretariat; (b) to complement his annual reports to the General Assembly with suggestions on initiatives regarding improved coordination and better integration, and (c) to work in cooperation with the executive heads of relevant organizations of the United Nations system in undertaking measures aimed at improving the effectiveness of the Subcommittee on Oceans and Coastal Areas of the Administrative Committee on Coordination.

7. The Commission recommended that the General Assembly consider ways and means of enhancing the effectiveness of its annual debate on oceans and the law of the sea. In particular in that context, and in order to promote improved cooperation and coordination on oceans and seas, the Commission recommended that the General Assembly establish an open-ended informal consultative process, or other processes which it might decide, under the aegis of the Assembly, with the sole function of facilitating the effective and constructive consideration of matters within the Assembly's existing mandate (contained in its resolution 49/28 of 1994) on the basis of the principles and practicalities set out in decision 7/1.

8. The principles set out in decision 7/1 were:

> "1. The General Assembly is the appropriate body to provide the coordination that is needed to ensure that an integrated approach is taken to all aspects of oceans issues, at both the intergovernmental and inter-agency levels. 2. This exercise should be carried out in full accordance with UNCLOS, taking into account the agreements reached at the United Nations Conference on Environment and Development (UNCED), particularly chapter 17 of Agenda 21. It should also take into account the inputs provided by the Commission on Sustainable Development and other United Nations bodies. 3. To accomplish this goal, the General Assembly needs to give more time for the consideration and the discussion of the Secretary-General's report on oceans and the law of the sea and for the preparation for the debate on this item in the plenary. 4. The creation of new institutions should be avoided. The General Assembly should work to strengthen the existing structures and mandates within the United Nations system. This exercise should not lead to the duplication and

[10] *Official Records of the Economic and Social Council, 1999, Supplement No. 9* (E/1999/29), chap. I, sect. C, decision 7/1, paras. 37-45.

overlapping of current negotiations and particular debates taking place in specialized forums. 5. The role of the General Assembly is to promote coordination of policies and programmes. It is not intended that the General Assembly should pursue legal or juridical coordination among the different legal instruments. In fulfilling its coordination function, the Assembly should bear in mind the differing characteristics and needs of the different regions of the world. 6. Participation in this exercise by Member States and observers should be as broad as possible. 7. This exercise should be carried out within the annual budgetary resources of the Secretariat."

9. Concerning practicalities, the Commission stated:

"The informal consultative process referred to above or other processes which the General Assembly may decide would deliberate on the basis of the Secretary-General's report on oceans and the law of the sea. Its role would be to promote a comprehensive discussion of that report and to identify particular emerging issues that would need to be considered by the General Assembly. A general focus should be on identifying areas where coordination and cooperation at the intergovernmental and inter-agency levels should be enhanced. The informal consultative process would provide elements for the consideration of the General Assembly and for possible inclusion in the Assembly's resolutions under the item Oceans and the law of the sea. The informal consultative process should also take into account the recommendations made by the Commission on Sustainable Development to the General Assembly (through the Economic and Social Council). The informal consultative process would take place each year for a week, and would promote the participation of the different governmental agencies involved in oceans and marine issues. It would be most important to ensure appropriate input from representatives of major groups, and it is suggested that this may be best achieved by organizing discussion panels. The General Assembly should consider the optimum timing for the informal consultative process, taking into account, inter alia, the desirability of facilitating the attendance of experts from capitals and the needs of small delegations. The General Assembly would review the effectiveness and utility of the process no later than four years after its establishment."

B. Action by the General Assembly

10. In its resolution 54/33, the General Assembly endorsed the recommendations regarding international coordination and cooperation made by the Commission on Sustainable Development through the Economic and Social Council. The Assembly decided, "consistent with the legal framework provided by the United Nations Convention on the Law of the Sea and the goals of chapter 17 of Agenda 21, to establish an open-ended informal consultative process in order to facilitate the annual review by the General Assembly, in an effective and constructive manner, of developments in ocean affairs by considering the Secretary-General's report on oceans and the law of the sea and by suggesting particular issues to be considered

by it, with an emphasis on identifying areas where coordination and cooperation at the intergovernmental and inter-agency levels should be enhanced".[11]

11. The recommendations of the Commission on Sustainable Development regarding international coordination and cooperation as set out in decision 7/1 were to a large extent reflected in resolution 54/33. The General Assembly in its resolution elaborated on some of the principles and practicalities. It also decided to review the effectiveness and utility of the Consultative Process after three years instead of four as had been recommended by the Commission.

12. The mandate of the Consultative Process has been renewed by the General Assembly three times since its establishment: in 2002 and 2005 for an additional period of three years;[12] and in 2008 for an additional period of two years.[13] The effectiveness and utility of the Consultative Process will be reviewed again by the General Assembly at its sixty-fifth session.[14]

III. Functioning of the Consultative Process and outcomes

13. This section provides an overview of the procedural aspects of the work of the Consultative Process, followed by a summary of the outcomes of its first to ninth meetings.

A. Procedural aspects of the Consultative Process

14. General Assembly resolution 54/33 (para. 3 (e)) provides that the meetings will be coordinated by two co-chairpersons appointed by the President of the General Assembly in consultation with Member States, taking into account the need for representation from both developed and developing countries. Over the past nine years, each co-chairperson has served for three consecutive terms, except in the case of the sixth meeting.[15]

15. Once appointed, the co-chairpersons prepare, in consultation with delegations, a format for the discussions of the Consultative Process to facilitate its work in accordance with the rules of procedure and practices of the General Assembly, as well as an annotated provisional agenda for the meeting. An informal preparatory meeting, usually of half a day's duration, held some months before the meeting of the Consultative Process, provides an opportunity to discuss the draft format and agenda, including an outline of the topic(s) to be discussed.

16. On the basis of General Assembly resolution 54/33, the meetings of the Consultative Process work through plenary sessions and discussion panels. The plenary sessions and discussion panels are open to all participants. Within the constraints of the available accommodation, representatives of major groups identified in Agenda 21 of the United Nations Conference on Environment and

[11] Paras. 1 and 2.

[12] Resolutions 57/141 and 60/30.

[13] Resolution 63/111.

[14] Ibid., para. 160.

[15] By letter, dated 8 March 2005, Felipe Paolillo (Uruguay) notified the President of the General Assembly that he had been assigned new duties which would not allow him to continue the co-chairmanship of the sixth meeting of the Consultative Process.

Development[16] and other observers may attend the plenary sessions in accordance with established practice. Due to their informal character the discussion panels provide a particular opportunity for input from representatives of the major groups.

17. Participation in the meetings of the Consultative Process has been broad. Pursuant to General Assembly resolution 54/33, all States Members of the United Nations and members of the specialized agencies, all parties to the United Nations Convention on the Law of the Sea, entities that have received a standing invitation to participate as observers in the work of the General Assembly pursuant to its relevant resolutions, intergovernmental organizations with competence in ocean affairs and major groups as identified in Agenda 21 have been invited to attend the meetings of the Consultative Process.

18. The annotated provisional agenda for the meeting is proposed by the co-chairpersons following consultations with delegations at the informal preparatory meeting. It has been the practice to allocate plenary sessions for a general exchange of views on the topic of focus and on areas of concern and actions needed, including issues discussed at previous meetings. At each meeting, a plenary session has also been allocated to a discussion on how to ameliorate cooperation and coordination. Further plenary sessions are devoted to a consideration of the elements to be suggested to the General Assembly.

19. The discussion panel is aimed at enabling an in-depth consideration of a topic of focus. The discussions are launched by panellists who, prior to the meeting, provide abstracts of their presentations.[17] Panellists are invited by the co-chairpersons on the basis of proposals from States, taking into account the need to achieve equitable geographical representation and to provide an opportunity to receive inputs from representatives of intergovernmental organizations and from the major groups as identified in Agenda 21. The final composition of the panels has, however, ultimately always depended on the availability of panellists, timely assistance by States in securing the commitment of, and as appropriate funding for, invited speakers, the availability of funds in the voluntary trust fund and the possibility of recruiting replacement panellists when last-minute cancellations occur.

20. By its resolution 55/7, the General Assembly established a voluntary trust fund for the purpose of helping developing countries, in particular least developed countries, small island developing States and landlocked developing States, to attend meetings of the Consultative Process. By its resolution 63/111, the Assembly decided that representatives from developing countries invited by the co-chairpersons, in consultation with Governments, to make presentations during the meetings of the Consultative Process are to receive priority consideration in the disbursement of funds from the trust fund in order to cover the costs of their travel and daily subsistence allowance, the latter subject to the availability of funds after the travel costs of all other eligible representatives have been covered.[18] The limited funds available in the trust fund have, to date, not permitted any disbursement of daily subsistence allowance to panellists.

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[16] Representatives of major groups wishing to attend the meetings of the Consultative Process must have consultative status with either the Economic and Social Council or be accredited to the roster of the Commission on Sustainable Development.

[17] Since the seventh meeting, abstracts of panel presentations have been posted at www.un.org/depts/los/consultative_process/consultative_process_info.htm#-List%20of%20issues.

[18] Para. 164.

21. The outcomes of the meetings have usually consisted of a report containing (a) agreed elements to be suggested to the General Assembly, which have generally been discussed in plenary on the last day of the meeting on the basis of an advance draft prepared by the co-chairpersons and made available beforehand; (b) a summary of discussions prepared by the co-chairpersons; and (c) a list of issues that could benefit from attention in the future work of the General Assembly on oceans and the law of the sea. At recent meetings, the co-chairpersons have presented to the meeting a consolidated list of all issues that have been proposed on the basis of the lists contained in past reports of the Consultative Process and invited delegations to submit their proposals for additional issues to be discussed directly to the co-chairpersons.[19] Following the meeting, an advance and unedited version of the agreed elements and the summary of discussions are posted on the website of the Division for Ocean Affairs and the Law of the Sea.

B. Focus of the meetings of the Consultative Process

1. Selection of topics

22. The topics of focus for the meetings of the Consultative Process have been decided annually by the General Assembly in the context of the informal consultations on the draft resolutions on oceans and the law of the sea, except in 2006 when the General Assembly chose topics not only for the meeting of the Consultative Process in 2007, but also for the meeting in 2008.[20] The topics for the first meeting of the Consultative Process were not selected by the General Assembly since it had just established the Process by its resolution 54/33, but were selected, following consultations with delegations, at an informal meeting convened by the co-chairpersons prior to the scheduled meeting of the Consultative Process.

23. The number of topics discussed by the Consultative Process has varied over the past nine years. From the first to the fourth meetings and also at the sixth meeting, the Consultative Process discussed two topics, while at the remaining meetings it only discussed one topic. In the case of the fifth meeting, the General Assembly had decided in its resolution 58/240 to convene the international workshop on a regular process for global reporting and assessment of the state of the marine environment, including socio-economic aspects (regular process), in conjunction with the fifth meeting of the Consultative Process.

24. As mentioned in paragraph 18 above, each meeting of the Consultative Process also considered, in addition to the topic of focus, other issues, in particular coordination and cooperation. At the first few meetings, a range of subjects was addressed in the plenary sessions (see, in particular, paras. 26 and 27 below) and some of the issues raised were included in the agreed elements, but in recent years, interventions have concentrated predominantly on the topic of focus, as reflected in the agreed elements. Discussions on coordination and cooperation have particularly focused in recent years on progress reports from UN-Oceans, the inter-agency coordination mechanism on ocean and coastal issues within the United Nations system, and from the lead agencies for the "assessment of assessments", a

[19] The lists have been posted on the website of the Division for Ocean Affairs and the Law of the Sea.

[20] Resolution 61/222.

preparatory phase towards the establishment of a regular process for global reporting and assessment of the state of the marine environment, including socio-economic aspects (regular process).

2. Outcomes of the meetings of the Consultative Process

25. A brief summary of the main outcomes of each of the nine meetings of the Consultative Process is presented below in order to provide an overview of the issues that were addressed by the agreed elements, those that were raised during the discussions on the topic(s) of focus but not included in the elements, and those that were raised during the discussions on issues other than the topic(s) of focus and not included in the elements.

(a) First meeting, 2000

26. At its first meeting, the Consultative Process considered two topics of focus: "Responsible fisheries and illegal, unreported and unregulated fisheries" and "The economic and social impacts of marine pollution and degradation, especially in coastal areas". The agreed elements which were suggested by the Consultative Process to the General Assembly related, inter alia, to the implementation of the Convention and its implementing agreements; capacity-building to implement the Convention and benefit from ocean resources; the application of the FAO Code of Conduct for Responsible Fisheries; the international legal framework for combating illegal, unreported and unregulated fishing; flag and port State control of fishing vessels; the role of regional fisheries management organizations; marine science for fisheries management; the importance of combating marine pollution and degradation for achieving sustainable development; integrating action to combat marine pollution and degradation from land-based activities into regional and national sustainable development strategies and into main investment programmes; capacity-building for integrated coastal zone management; effective implementation of Parts XIII and XIV of the Convention; piracy and armed robbery at sea; participation in the Consultative Process; and the role of the Secretary-General and the Secretariat.[21]

27. The discussions on the topics of focus also addressed, inter alia, pollution from vessels and seabed activities; persistent organic pollutants; marine protected areas; the precautionary approach; and the role of traditional and local knowledge in addressing marine pollution. Other issues that were addressed during the meeting included marine non-living resources, underwater cultural heritage and international cooperation and coordination.[22]

(b) Second meeting, 2001

28. At its second meeting, the Consultative Process considered two topics of focus: "Marine science and the development and transfer of marine technology, as mutually agreed, including capacity-building in this regard" and "Coordination and cooperation in combating piracy and armed robbery at sea". The agreed elements suggested to the General Assembly related, inter alia, to the prevention, deterrence and elimination of illegal, unreported and unregulated fishing and protection of the

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[21] A/55/274, part A.

[22] Ibid., part B.

marine environment from pollution and degradation from land-based activities; the importance of science for sustainable development; strengthening international cooperation at the regional level; establishment of links between scientists and policymakers; implementation of relevant provisions of the Convention; the IOC Advisory Body of Experts on the Law of the Sea and procedures under Part XIII of the Convention; exchange, flow and reliability of data; capacity-building for marine science and technology; interactions between the atmosphere and oceans; science for ecosystem approaches; cooperation and coordination to combat piracy and armed robbery at sea; the role of States, intergovernmental organizations and the private sector; fraudulent ship registrations; prevention of piracy and armed robbery at sea; the Convention as a framework for responding to incidents; reporting of incidents, investigation and prosecution; regional cooperation arrangements and agreements; and cooperation and coordination within the United Nations system.[23]

29. The discussions on the topics of focus also addressed, inter alia, oceanography and remote sensing; hydrography; the Global Ocean Observing System and the Argo Programme; national legislation and action plans to combat piracy and armed robbery against ships; the welfare of crew; port security; and the charting of waters. Other issues that were addressed during the meeting included the conservation and management of marine living resources; general issues of coordination and cooperation; the Consultative Process; and implementation of the Convention, its agreements and relevant instruments.[24]

(c) Third meeting, 2002

30. At its third meeting, the Consultative Process considered two topics of focus: "Protection and preservation of the marine environment" and "Capacity-building, regional cooperation and coordination, and integrated ocean management". The agreed elements which were suggested to the General Assembly related, inter alia, to oceans and seas as a vital input to sustainable development; integrated management of oceans and seas and the need for capacity-building; the central role of regional cooperation and coordination; collection of data and information for decision-making; assessments of the marine environment; protection of fragile ecosystems; bringing into force existing and developing new international instruments to prevent, reduce and control pollution; regional action to prevent, reduce and control pollution; integration of policies on fisheries management and conservation of biological diversity; implementation and enforcement of international agreements and programmes; and inter-agency cooperation and coordination.[25]

31. The discussions on the topics of focus also addressed, inter alia, the coordination of the work of the Consultative Process with the forthcoming World Summit on Sustainable Development; lack of capacity and priority areas for capacity-building as well as solutions; cooperation and coordination among international and regional organizations; and transboundary movement of radioactive material. Other issues that were addressed during the meeting included

[23] A/56/121, part A.
[24] Ibid., part B.
[25] A/57/80, part A.

assessment of the Consultative Process; fisheries and illegal, unreported and unregulated fishing; and piracy and other crimes at sea.[26]

(d) Fourth meeting, 2003

32. At its fourth meeting, the Consultative Process considered two topics of focus: "Safety of navigation, for example, capacity-building for the production of nautical charts" and "Protecting vulnerable marine ecosystems". The agreed elements which were suggested by the Consultative Process to the General Assembly related, inter alia, to implementation of international agreements and the coordination of activities of organizations; hydrographic services and nautical charts and related capacity-building; measures to enhance safety of navigation, e.g., the phase-out of single-hull tankers; piracy and armed robbery at sea; flag State implementation and enforcement; the role of the "genuine link"; international maritime labour standards; port State control; protection of the marine environment and sustainable development; implementation of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities; implementation of international fisheries instruments; enforcement and compliance capabilities in fisheries; vulnerable marine ecosystems and biodiversity beyond areas of national jurisdiction; protection and preservation of coral reefs; management tools for the protection of vulnerable marine ecosystems, including the establishment of marine protected areas; control and management of ships' ballast water; and cooperation and coordination on ocean issues.[27]

33. The discussions on the topics of focus also addressed, inter alia, responses of coastal States to major shipping accidents; impacts of fishing activities on vulnerable marine ecosystems; and the need for increased scientific knowledge of marine ecosystems. Other issues that were addressed during the meeting included the Consultative Process and the World Summit on Sustainable Development and fisheries governance and illegal, unreported and unregulated fishing.[28]

(e) Fifth meeting, 2004

34. At its fifth meeting, the Consultative Process considered one topic of focus, namely, "New sustainable uses of the oceans, including the conservation and management of the biological diversity of the seabed in areas beyond national jurisdiction". The agreed elements which were suggested by the Consultative Process to the General Assembly related, inter alia, to the establishment of a new inter-agency coordination mechanism (UN-Oceans); relevant work in the context of the Convention on Biological Diversity; actions to address destructive fishing practices that have an adverse impact on vulnerable marine ecosystems, e.g., an interim prohibition of such practices by flag States, and review of progress within two years; the implementation of relevant fisheries instruments; illegal, unreported and unregulated fishing; the work of ISA; marine scientific research beyond areas of national jurisdiction; capacity-building; gas hydrates; flag State implementation, including the genuine link; and piracy and armed robbery at sea.[29]

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[26] Ibid., part B.

[27] A/58/95, part A.

[28] Ibid., part B.

[29] A/59/122, part A.

35. The discussions on the topic of focus also addressed, inter alia, existing tools and instruments as well as possible options for the conservation and management of marine biodiversity in areas beyond national jurisdiction, and activities related to marine genetic resources in areas beyond national jurisdiction. Other issues that were addressed during the meeting included cooperation and coordination on ocean issues and fisheries governance.[30]

(f) Sixth meeting, 2005

36. At its sixth meeting, the Consultative Process considered two topics of focus: "Fisheries and their contribution to sustainable development" and "Marine debris". The agreed elements suggested to the General Assembly related, inter alia, to discrete fish stocks in the high seas; fishery subsidies; obstacles to the trade of fishery products; regional fisheries management organizations and arrangements; small-scale fisheries; flag State responsibilities, including labour conditions; combating illegal, unreported and unregulated fishing; impacts of destructive fishing practices on vulnerable marine ecosystems; certification and ecolabelling schemes; by-catch; reporting of catch and effort data; the role of science; impacts of ocean noise on marine living resources; the work of the IOC Advisory Body of Experts; and capacity-building to enable developing States to benefit from fisheries.[31]

37. As it was not possible for the Consultative Process to finalize the elements relating to marine debris and cooperation and coordination, it was agreed at the meeting that the co-chairpersons' proposed elements would be forwarded to the General Assembly.[32] On marine debris, those elements related to the need for further studies; awareness-raising; enhancing national action; regional and subregional cooperation; capacity-building; reviewing annex V to MARPOL; improving port waste reception facilities; cooperation and coordination on lost and discarded fishing gear and related marine debris; and a future review of marine debris within five years.

38. Other issues that were addressed during the sixth meeting included the Indian Ocean tsunami; safety of navigation; and conservation and management of marine biodiversity.[33]

(g) Seventh meeting, 2006

39. At the seventh meeting, the Consultative Process considered one topic of focus, namely, "Ecosystem approaches and oceans". The agreed elements suggested by the Consultative Process to the General Assembly were comprehensive and in general addressed the aims of an ecosystem approach and identified, in the absence of an agreed definition, several common elements of the approach, means to achieve its implementation and requirements for improved application of the approach.[34]

40. The discussions on the topic of focus also addressed, inter alia, an ecosystem approach to fisheries; the need to examine in more detail the implementation of ecosystem approaches in areas beyond national jurisdiction; and the protection of

[30] Ibid., part B.

[31] A/60/99, part A, paras. 3-13.

[32] Ibid., para. 2. The proposed elements are contained in paras. 14 to 19.

[33] Ibid., part B.

[34] A/61/156, part A.

vulnerable marine ecosystems in areas beyond national jurisdiction. Other issues that were addressed during the meeting included recent developments relating to international shipping; cooperation and coordination on ocean issues, including in the context of UN-Oceans; and progress in the "assessment of assessments", a preparatory stage towards the establishment of a regular process.[35]

(h) Eighth meeting, 2007

41. At its eighth meeting, the Consultative Process considered one topic of focus, namely, "Marine genetic resources". The meeting did not agree on consensual elements to be suggested to the General Assembly. The co-chairpersons of the meeting, on the basis of the discussions and progress in the consideration of the draft consensual elements that they had presented during the meeting, forwarded some suggested elements to the General Assembly.[36]

42. The discussions on the topic of focus addressed, inter alia, the services provided by marine genetic resources; marine scientific research; commercialization and other aspects, such as intellectual property rights; law and policy related to activities regarding marine genetic resources within and beyond areas of national jurisdiction; vulnerabilities, threats and anthropogenic impacts; and capacity-building and transfer of technology. Other issues that were addressed during the meeting included the Consultative Process, piracy and armed robbery against ships, the rescue of persons in distress at sea, UN-Oceans and the "assessment of assessments".[37]

(i) Ninth meeting, 2008

43. At its ninth meeting, the Consultative Process considered one topic of focus, namely, "Maritime security and safety". The agreed elements suggested by the Consultative Process to the General Assembly related, inter alia, to participation in and implementation of relevant international instruments; flag, port and coastal States' responsibilities; integrated approaches; capacity-building; shortage of adequately trained personnel; impacts of measures on seafarers and fishers; the treatment of persons rescued at sea, including their disembarkation; search and rescue responsibilities; comprehensive approaches to migration; international cooperation to combat threats to maritime security; the need for maritime security measures to conform with international law; reporting of incidents of piracy and armed robbery; national measures to facilitate apprehension and prosecution; piracy and armed robbery off the coast of Somalia; the need for capacity-building and assistance to developing States and enhancement of international cooperation at all levels to combat transnational organized crime; the potential link between illegal fishing and transnational organized crime; the role of international shipping rules and standards in respect of maritime safety; flag State implementation; port State control; and maritime accidents, in particular those relating transport of radioactive materials.[38]

44. The discussions on the topic of focus addressed, inter alia, the concept of maritime security; terrorist acts against ships and other maritime interests; illicit

[35] Ibid., part B.

[36] A/62/169, part A, paras. 121 and 122, and annex.

[37] Ibid., part A.

[38] A/63/174, part A.

traffic in small arms and weapons of mass destruction; the economic impacts of safety and security measures; root causes of transnational organized crime; the potential link between intentional unlawful damage to the marine environment and transnational organized crime; safety of navigation; and the impact of military use of the oceans on the marine environment. Other issues that were addressed during the meeting included assessment of the Consultative Process, sustainable fisheries, climate change, UN-Oceans and the "assessment of assessments".[39]

IV. Follow-up of the outcomes of the Consultative Process

45. This section reviews how the outcomes of the nine meetings of the Consultative Process have generally been incorporated in the relevant General Assembly resolutions, and describes the major actions that have been taken subsequently, primarily by intergovernmental organizations, drawing in particular on the contributions of organizations and States to the present report. The summary of developments presented in this report is not exhaustive and should be read together with previous reports of the Secretary-General on oceans and the law of the sea, which provide annually an overview of main developments in the field of ocean affairs and the law of the sea.[40]

46. While in most cases it is possible to identify a connection between the outcomes of the Consultative Process and General Assembly resolutions, it is not always possible to establish such connection with respect to actions taken by intergovernmental organizations. Likewise, in the case of States, information on actions taken pursuant to General Assembly resolutions and the outcomes of the Consultative Process was limited or not available.

47. Given the interrelatedness and recurrence of many of the issues discussed at the meetings, information relating to the follow-up of the outcomes of the Consultative Process has been organized according to main subject areas that emerged from the nine meetings. This information is complemented by a table annexed to the present report which indicates for each meeting whether a particular agreed element was incorporated into the General Assembly resolution on oceans and the law of the sea or on sustainable fisheries and the corresponding paragraph of the resolution.

A. Marine science and technology

48. Marine science and technology is a cross-cutting issue which has permeated the discussions during the meetings of the Consultative Process, not only at the second meeting, where it was one of the topics of focus, but also at several other meetings (see sect. III.B.2 above). This subsection focuses on the implementation of the outcomes of the Consultative Process relating to marine science and the transfer of technology. Developments relating to capacity-building are presented in paragraphs 156, 161, 163, 164 to 166 and 174 below.

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[39] Ibid., part B.

[40] The reports of the Secretary-General on oceans and the law of the sea and those relating to fisheries issues are available at www.un.org/depts/los.

49. *Action by the General Assembly*. Following the recommendations of the first meeting of the Consultative Process, the General Assembly recalled the importance of marine science in promoting the sustainable management of the oceans and seas and emphasized the need to ensure access of decision makers to advice and information on marine science and technology and to the transfer of technology. It stressed the need to consider as a matter of priority marine science and technology and to focus on how best to implement the obligations of States and competent international organizations under Parts XIII and XIV of the United Nations Convention on the Law of the Sea. The Assembly called upon States to adopt, as appropriate and in accordance with international law, the necessary national laws, regulations, policies and procedures to promote and facilitate marine scientific research and cooperation.[41]

50. Following the second meeting, the Assembly recalled the fundamental linkages between science and management, decision-making, eradication of poverty, food security, the protection and preservation of the marine environment and its resources, the understanding and management of natural events and sustainable development. It emphasized the urgent need for international cooperation to address acquisition, generation and transfer of marine scientific data to assist developing coastal States. The Assembly highlighted the need to implement the consent regime in the Convention and the provisions on exchange of data, and invited IOC to request the Advisory Body of Experts on the Law of the Sea to develop procedures under Part XIII of the Convention. It urged relevant United Nations bodies to develop, with IOC as a focal point, appropriate interactions in the field of marine scientific research with regional fisheries organizations, environmental and scientific bodies or regional centres foreseen by Part XIV of the Convention. States were encouraged to establish such regional centres. The Assembly called upon States, through national and regional institutions engaged in marine scientific research, to ensure that the knowledge resulting from marine scientific research and monitoring was made available in a user-friendly data format, especially to developing countries. The Assembly further called upon States to continue strengthening capacity-building (see para. 156 below).[42]

51. The Assembly has consistently stressed the importance of increasing the scientific understanding of the marine environment, particularly of the deep sea, and its vulnerable marine ecosystems (see para. 77 below).[43]

52. *Subsequent developments*. In its contribution to the present report the Department of Economic and Social Affairs of the Secretariat pointed out that the Johannesburg Plan of Implementation adopted at the World Summit on Sustainable Development, inter alia, stressed the need to increase scientific and technical collaboration, including the transfer of marine technology. Likewise, the Mauritius Strategy for the Further Implementation of the Barbados Programme of Action for the Sustainable Development of Small Island Developing States called for the international community to provide support for the IOC marine science programmes relevant to small island developing States.

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[41] Resolution 55/7, preamble and para. 32.

[42] Resolution 56/12, preamble and paras. 21-28.

[43] See resolutions 57/141, paras. 23-25 and 36-38; 58/240, paras. 20, 21 and 45; 59/24, paras. 8, 10-12 and 81-83; 60/30, paras. 9, 11, 14 and 85-88; 61/222, paras. 9, 11, 14 and 108-112; 62/215, paras. 10, 12 and 121-125; and 63/111, paras. 9, 11, 18 and 142-148.

53. Other developments that have taken place at the global level since the outcomes of the Consultative Process and relevant actions by the General Assembly include the adoption by IOC of the Criteria and Guidelines on Transfer of Marine Technology[44] and the procedure for the application of article 247 of the United Nations Convention on the Law of the Sea.[45] Canada considered that the discussions of the Consultative Process had provided a useful basis for the subsequent discussion and eventual adoption of those documents (see also para. 165 below). IOC in its contribution reported that it had adopted the guidelines for the implementation of resolution XX-6 of the IOC Assembly regarding the deployment of profiling floats in the high seas in the Framework of the Argo Programme in 2008.[46] Additionally it reported progress by the Global Ocean Observing System programme and the International Oceanographic Data and Information Exchange programme[47] (see also para. 164 below).[48] IOC also indicated that it is the focal point for the establishment of warning systems for tsunami[49] and other phenomena such as El Niño, as well as for the mitigation of pollution incidents. Furthermore, with reference to the need for assessments to have a sound scientific basis and for the resulting information to be communicated to decision makers, IOC and Canada highlighted the work coordinated by UNEP and IOC for the execution of the "assessment of assessments", a preparatory phase towards the establishment of a regular process. Indonesia stressed that better ocean management should be based on reliable scientific data, with a mechanism put in place for exchange of information and transfer of technology, including "green" technology.

54. ISA informed that it also focused its efforts on research on the deep sea environment and on disseminating the results and analyses for the benefit of mankind as a whole. Those efforts were illustrated by the Kaplan project and the establishment of an endowment fund for marine scientific research (see also para. 78 below).

55. Some regional organizations considered the outcomes of the second meeting of the Consultative Process relevant to their mandates. For example, the secretariat of the North East Atlantic Fisheries Commission underlined with regard to fisheries management in the north-east Atlantic that many States invest in marine research for stock status assessment. The secretariat of the South East Atlantic Fisheries Organization reported that the design of the organization's management regime was science-based and that to protect vulnerable marine ecosystems it had organized an interim data-collection protocol. With regard to applying measures based on best scientific advice, OSPAR noted that it would publish the results of a decade of collaborative work on the application of the ecosystem approach in its 2010 quality status report. Additional developments, which have been reported in past reports of

[44] IOC Assembly resolution XXII-12 (2003) and General Assembly resolution 59/24, para. 11.

[45] IOC Assembly resolution XXIII-8 (2005) and General Assembly resolution 60/30, para. 88.

[46] IOC Executive Council resolution XLI-4 (2008) and General Assembly resolution 63/111, para. 144.

[47] See also A/62/66/Add.1, paras. 107 and 108, and A/63/63, paras. 230 and 231.

[48] For more details on the IOC programmes, see the contribution of IOC at www.un.org/Depts/los/general_assembly/contributions64.htm and its 2007 annual report at http://ioc-unesco.org.

[49] A/63/63, paras. 234-238.

the Secretary-General on oceans and the law of the sea, include the adoption by OSPAR of a code of conduct for responsible marine research.[50]

56. The General Assembly has continued to call for action by States and IOC in relation to marine science and related capacity-building (see also para. 174 below).

B. Marine fishery resources

57. "Responsible fisheries and illegal, unregulated and unreported fisheries" and "Fisheries and their contribution to sustainable development" were topics of focus at the first and sixth meetings of the Consultative Process respectively. Other meetings of the Consultative Process also addressed fisheries-related matters, although they were not specifically devoted to that subject (see sect. III.B.2 above). This subsection focuses on the implementation of the outcomes of the Consultative Process of its first and sixth meetings. Developments relating to capacity-building are presented in paragraphs 148, 157, 163, 167-169.

58. *Action by the General Assembly*. The outcomes of the meetings of the Consultative Process which addressed many of the impediments and challenges for achieving responsible fisheries have, to a great extent, been incorporated into the General Assembly resolutions relating to sustainable fisheries and, in some cases, into the resolutions on oceans and the law of the sea.[51] In some cases, the agreed elements have been consolidated or reformulated in the resolution.

59. In particular, following the sixth meeting, the General Assembly emphasized, inter alia, the obligations of flag States to discharge their responsibilities to ensure compliance by vessels flying their flag with the conservation and management measures for high seas fishery resources, in accordance with the Convention and the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (the 1995 Fish Stocks Agreement); encouraged the application of the general principles of the Agreement to discrete high seas fish stocks; urged States to become members of the regional fisheries management organizations and arrangements which have the competence to manage fish stocks, or to agree to apply their conservation and management measures; called upon States to apply the precautionary approach and ecosystem approach for the conservation and management of fish stocks; encouraged enhanced science for fisheries conservation and management measures; urged regional fisheries management organizations and arrangements to strengthen and modernize their mandates to include an ecosystem approach to fisheries and to ensure that their decision-making processes relied on the best scientific information; encouraged States to initiate processes for the performance review of regional fisheries management organizations and arrangements of which they were members; called upon States and regional fisheries management organizations and arrangements to collect and report to FAO more timely and comprehensive catch and effort data; requested regional fisheries management organizations and arrangements to adopt and implement measures to

[50] A/63/63/Add.1, paras. 107 and 108.

[51] Resolutions on fisheries: 55/8, 56/24, 57/142 and 143, 58/14, 59/25, 60/31, 61/105 and 63/112. Illegal, unregulated and unreported fishing was addressed also in earlier resolutions on fisheries. Resolutions on oceans and the law of the sea: 55/7, 56/12, 57/141, 58/240, 59/24 and 60/30.

protect vulnerable marine ecosystems as a matter of urgency; encouraged progress to establish criteria on the objectives and management of marine protected areas for fisheries purposes; and encouraged increased capacity-building and technical assistance (see para. 157 below).[52]

60. With respect to illegal, unreported and unregulated fishing, following the first meeting of the Consultative Process, the General Assembly, inter alia, urged States to continue the development of the FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing; appealed to States and regional fisheries management organizations and arrangements to promote the application of the FAO Code of Conduct for Responsible Fisheries; and affirmed the need to strengthen the international legal framework for intergovernmental cooperation and the central role of regional fisheries management organizations and arrangements in fisheries conservation and management.[53] Following the sixth meeting, the General Assembly, inter alia, urged States to eliminate subsidies; encouraged States to apply the FAO model scheme on port State measures; called for the establishment of positive and negative vessel lists, as well as the development of measures to trace fish and fishery products; called upon flag States to ensure that their vessels do not engage in trans-shipments; urged States to establish monitoring, control and surveillance measures; encouraged the development of a global record of fishing vessels and vessel monitoring systems, as well as the establishment of regional guidelines for establishing sanctions; and urged the adoption and implementation of multilaterally agreed trade measures.[54]

61. Concerning the protection of vulnerable marine ecosystems, and following the fifth meeting, the General Assembly adopted a resolution in which it requested States and regional fisheries management organizations and arrangements to prohibit the use of destructive fishing practices which had adverse impacts on vulnerable marine ecosystems on the high seas and called for the regulation of bottom fisheries,[55] and another in which it invited States, regional fisheries management organizations and arrangements and FAO to implement a set of measures to protect vulnerable marine ecosystems.[56]

62. *Subsequent developments*. As a result of the General Assembly resolutions on destructive fishing practices and the protection of vulnerable marine ecosystems, FAO adopted the International Guidelines for the Management of Deep-Sea Fisheries in the High Seas in 2008. In its contribution, FAO indicated that most fisheries issues addressed by the Consultative Process, such as illegal, unreported and unregulated fishing, the contribution of fisheries to sustainable development, the ecosystem approach and protection of vulnerable marine ecosystems, were directly relevant to its mandate and were addressed in the Code of Conduct. They were core FAO issues and would have been addressed by the FAO Committee on Fisheries and other FAO meetings irrespective of their consideration in meetings of the Consultative Process. However, it had used the issues raised in the Consultative Process in its efforts to promote implementation of the Code. The attention given by the Consultative Process to those issues had strengthened the feeling of urgency in

[52] Resolution 60/31, paras. 2, 12, 55, 58, 59, 60, 64, 65, 70-72, 75 and 85-88.

[53] Resolution 55/8, paras. 12, 13, 18 and 19.

[54] Resolution 60/31, paras. 40, 42-46, 49, 61 and 62.

[55] Resolution 59/25, paras. 66-69. See also resolution 59/122, para. 70.

[56] Resolution 61/105, paras. 80 and 83-90.

dealing with them. A major challenge to the contribution of fisheries to sustainable development was for developing countries to translate international instruments and outcomes into policies and measures that could be implemented and that would promote and secure sustainable results. The Department of Economic and Social Affairs of the Secretariat pointed out that the contribution of responsible fisheries to sustainable development and the need to combat illegal, unreported and unregulated fishing were underlined in the Johannesburg Plan of Implementation, Agenda 21, the Barbados Programme of Action and the Mauritius Strategy.

63. With reference to illegal, unreported and unregulated fishing, FAO indicated that the outcomes of the Consultative Process had encouraged action by States, regional fisheries management organizations and arrangements and FAO to implement measures contained in the International Plan of Action.[57] FAO had also taken steps to develop a global record of fishing vessels and hosted negotiations for the drafting of an agreement on port State measures, following the development of the FAO Model Scheme on Port State Measures to Combat Illegal, Unreported and Unregulated Fishing in 2004.[58] FAO was further organizing an expert consultation to develop criteria for assessing the performance of flag States and to examine possible actions against vessels flying the flags of States not meeting such criteria (see also para. 167 below).[59]

64. Concerning the problem of ineffective flag State control, which is a significant factor in illegal, unreported and unregulated fishing, the question of "genuine link" has been studied by IMO and other relevant organizations in response to outcomes of the Consultative Process and General Assembly resolutions (see also paras. 109 and 113 below).[60]

65. The secretariat of the Convention on Biological Diversity referred to decision VIII/24 on marine protected areas adopted by the Conference of the Parties to the Convention as being relevant to the implementation of the outcomes of the Consultative Process on the contribution of fisheries to sustainable development. The World Trade Organization reported that negotiations were continuing to explore how to strengthen discipline on subsidies in the fishing sector, including through the prohibition of certain forms of fisheries subsidies that contribute to overcapacity and overfishing. IUCN indicated that the meetings of the Consultative Process, including those on fisheries-related issues, allowed a better understanding of threats to the conservation and sustainable and equitable use of the oceans and had provided an understanding of measures that contributed to sustainable development.

66. Similarly, a number of regional organizations provided information on the impact of the work of the Consultative Process on their activities. The Commission on Science and Technology for Sustainable Development in the South envisaged a

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[57] For example, see agreed elements of the sixth meeting, A/60/99, paras. 9 (f)-(h) and 10 (b)-(d) and (f), and General Assembly resolution 60/31, paras. 40, 43-46 and 61.

[58] See FAO, *Report of the twenty-sixth session of the Committee on Fisheries, Rome, 7-11 March 2005*, FAO Fisheries Report No. 780 (FIPL/R780 (En)).

[59] FAO, *Report of the twenty-seventh session of the Committee on Fisheries, Rome, 5-9 March 2007*, FAO Fisheries Report No. 830 (FIEL/R830 (En)).

[60] See A/58/95, paras. 12 (a) and (b) and 18 (b); A/60/99, para. 9 (a). For the report of the Ad Hoc Consultative Meeting of senior representatives of international organizations, convened by IMO, on the subject of the "genuine link", see A/61/160. See also resolutions 59/25, para. 30, 60/31, para. 38, 61/105, para. 40, 62/177, para. 46 and 63/112, para. 51.

clear impact of the outcome of the Consultative Process in areas such as the fisheries industry. The interim secretariat for the international consultations for the establishment of the South Pacific Regional Fisheries Management Organization indicated that the draft convention text of the organization drew heavily, inter alia, on the work of the successive meetings of the Consultative Process. Following the outcomes of the Consultative Process, the adoption of General Assembly resolutions 61/105 and 62/117 and the development by FAO of the International Guidelines for the Management of Deep-Sea Fisheries in the High Seas, it had been agreed at the third international consultation in 2007 to establish interim management measures to address the collection of fisheries data, avoid adverse effects of deep-sea bottom fishing and prevent intensification of the fishing of pelagic species. The Commission for the Conservation of Antarctic Marine Living Resources reported that it had made considerable progress in implementing General Assembly resolution 61/105 for the management of bottom fisheries and the protection of vulnerable marine ecosystems, as well as other provisions of the resolution. The North East Atlantic Fisheries Commission noted that since 2006, a number of regional fisheries management organizations and arrangements had undergone, or were in the process of undergoing reviews of their mandates. The Western and Central Pacific Fisheries Commission indicated that its activities relevant to the implementation of the outcomes of the Consultative Process included providing capacity-building (see para. 169 below), application of an ecosystem approach and protection of marine biodiversity through by-catch mitigation.

67. Other activities of international organizations and the actions of States, individually and collectively through regional fisheries management organizations and arrangements, to implement the outcomes of the Consultative Process and the General Assembly resolutions promoting responsible fisheries have been described in the reports of the Secretary-General on sustainable fisheries.[61] In its contribution, Indonesia pointed out that sustainable fisheries management had provided a positive contribution to food security, poverty alleviation, economic development and the social stability of the coastal community worldwide. Indonesia indicated that illegal, unreported and unregulated fishing was a major impediment to the sustainable management of fisheries and threatened the viability and sustainability of fish stocks worldwide. Illegal, unreported and unregulated fishing had also caused degradation of the marine environment as well as adverse impacts to coastal communities, in addition to degradation caused by international shipping activities, making it important to take into consideration at the global level the needs of those communities when formulating corresponding measures to minimize the adverse economic and social impacts of illegal, unreported and unregulated fishing. Indonesia therefore encouraged States to take robust surveillance and enforcement actions to ensure the long-term conservation, management and sustainable use of fishery resources through various compliance mechanisms, such as flag State control. It also suggested that the international community focus on additional measures, such as port State measures to achieve cooperation at the global level against illegal, unreported and unregulated fishing. Indonesia expressed the view that effective measures to combat illegal, unreported and unregulated fishing should address its criminal and transnational dimensions. It also noted that existing voluntary instruments were not adequate to respond effectively to illegal, unreported and unregulated fishing because of the criminal nature of such activities.

[61] See A/59/298, A/60/189, A/61/154, A/62/60 and A/63/128.

68. Norway, the member States of the European Union and the European Community indicated that, with particular reference to the coordination of measures to address destructive fishing practices and protect vulnerable marine ecosystems, there was a direct link between the outcomes of the Consultative Process subsequently endorsed by the General Assembly and the ongoing implementation of those measures by regional fisheries management organizations and arrangements and States.[62]

69. In their contributions, some States and organizations drew attention to the ongoing efforts by the international community to combat illegal, unreported and unregulated fishing and the challenges encountered in the pursuit of those efforts.[63] In particular, FAO highlighted that there had been political reluctance to address illegal, unreported and unregulated fishing, as well as in some cases a lack of technical competence to implement measures at the national level, especially in developing countries (see also para. 167 below). Indonesia emphasized that the lack of resources and technology in developing countries had worsened the problem of illegal, unreported and unregulated fishing. The secretariat of the North Pacific Anadromous Fish Commission pointed out that despite the decline in illegal fishing operations within the Convention Area in recent years, the threat of illegal high-seas fishing persisted, requiring the international community to remain vigilant in pursuing monitoring and enforcement efforts in the North Pacific.

C. New sustainable uses

70. *Action by the General Assembly*. Since the fourth and fifth meetings of the Consultative Process (see sect. III.B.2 above), the General Assembly has paid increasing attention to issues pertaining to the conservation and sustainable use of marine biodiversity beyond areas of national jurisdiction (see paras. 76, 77, 81, 84 and 85 below). It has also taken action regarding the impact of new fishing practices, including deep-sea fishing, on vulnerable marine ecosystems (see para. 61 above).

71. Based on the outcomes of the fifth meeting,[64] the General Assembly noted the potential for gas hydrates as a source for energy development, as well as the possible associated risks, including those in the context of climate change, and encouraged States, ISA and the international scientific community to continue to cooperate in deepening the understanding of the issues and in investigating the feasibility, methodology, safety and environmental impacts of the extraction of gas hydrates from the seabed, their distribution and their use.[65] It also noted the

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[62] The European Union and the European Community stated that the process set in motion by the fourth meeting of the Consultative Process had led to the adoption of Council Regulation 734/2008.

[63] Contributions of Indonesia, the Commission for the Conservation of Antarctic Marine Living Resources, the Department of Economic and Social Affairs, FAO, the North East Atlantic Fisheries Commission, the North Pacific Anadromous Fish Commission, UNEP and OSPAR.

[64] The topic of focus of the fifth meeting of the Consultative Process was "New sustainable uses of the oceans, including the conservation and management of the biological diversity of the seabed in areas beyond national jurisdiction". This section addresses only new sustainable uses. Developments relating to marine biological diversity beyond areas of national jurisdiction are represented in sect. D below.

[65] Resolution 59/24, para. 82.

potential for cobalt-rich ferromanganese crusts and polymetallic sulphides as important sources of minerals and encouraged States, ISA and the scientific community to cooperate to explore this potential and to minimize the environmental impacts of their exploration.[66] The Assembly reiterated the importance of the ongoing elaboration by ISA of rules, regulations and procedures to ensure the effective protection of the marine environment, the protection and conservation of the natural resources of the Area and the prevention of damage to its flora and fauna from harmful effects that may arise from activities in the Area.[67]

72. *Subsequent developments*. A number of States have undertaken research relating to gas hydrates.[68] However, available information does not allow for any conclusive assessment of the implementation of the relevant outcomes of the Consultative Process and subsequent General Assembly recommendations.

73. ISA reported that two sets of regulations on prospecting and exploration for polymetallic sulphides and cobalt-rich ferromanganese crusts are currently under consideration by the Council of the Authority. Some of the environmental provisions of the regulations have been directly drawn from language used in General Assembly resolutions, in particular those which have addressed the protection of vulnerable marine ecosystems (see also paras. 78 and 164 below).

D. Marine biological diversity

74. At its fourth, fifth and eighth meetings, the Consultative Process focused its discussions, inter alia, on "Protecting vulnerable marine ecosystems"; "New sustainable uses of the oceans, including the conservation and management of the biological diversity of the seabed in areas beyond national jurisdiction"; and "Marine genetic resources" (see sect. III.B.2 above).

75. The present section focuses on the implementation of the outcomes of the Consultative Process related to marine biodiversity beyond areas of national jurisdiction, research, area-based management and marine genetic resources. Implementation of the outcomes related to the impacts of destructive fishing practices on vulnerable marine ecosystems is considered in paragraphs 61, 62 and 66 above. Developments relating to capacity-building with regard to marine biodiversity are presented in paras. 155, 156, 162, 163 and 164 below.

1. Marine biological diversity beyond areas of national jurisdiction

76. Following the fourth meeting of the Consultative Process, the General Assembly invited relevant global and regional bodies to investigate urgently how to better address the threats and risks to threatened and vulnerable marine ecosystems and biodiversity in areas beyond national jurisdiction, how existing treaties and other relevant instruments could be used in this process, including the identification of those marine ecosystem types that warrant priority attention, and to explore a

[66] Ibid., para. 83.

[67] Resolution 59/24, para. 23; resolution 60/30, para. 26; resolution 61/222, para. 28; resolution 62/215, para. 33; and resolution 63/111, para. 33.

[68] See, for example, the activities of the United States Geological Survey at http://woodshole.er.usgs.gov/project-pages/hydrates/, as well as those of the Japan Agency for Marine-Earth Science and Technology at www.jamstec.go.jp/e/.

range of potential approaches and tools for their protection and management.[69] With the benefits of additional discussions at the fifth meeting, the Assembly decided to establish an Ad Hoc Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction.[70] Issues discussed at the first and second meetings of the Working Group[71] have, in turn, had a bearing on the discussions of the General Assembly and the Consultative Process. For example, following the first meeting of the Working Group in 2006, the General Assembly decided that the Consultative Process in 2007 should focus its discussions on marine genetic resources (see para. 84 below). In Australia's view the issue of biodiversity beyond areas of national jurisdiction would not likely have gained prominence in the international oceans agenda without the Consultative Process. OSPAR indicated that the Consultative Process had succeeded in moving forward the agenda of the Working Group.

2. Research on and improved understanding of marine biodiversity

77. *Action by the General Assembly*. Following discussions and suggestions from the Consultative Process at its fourth and fifth meetings, which have highlighted a number of gaps in knowledge with regard to marine ecosystems and biodiversity, in particular beyond areas of national jurisdiction, the General Assembly has consistently called upon States to improve understanding and knowledge of the deep sea, in particular the extent and vulnerability of deep-sea biodiversity and ecosystems, by increasing their marine scientific research activities in accordance with the Convention.[72]

78. *Subsequent developments*. In response to the need expressed in the Consultative Process and the General Assembly, as well as in other forums, a number of organizations have increased or refocused their activities to improve understanding and knowledge of deep-sea biodiversity and ecosystems. For example, ISA reported that it had participated in the Kaplan project aimed at studying the species composition and rates of gene flow of living organisms across the abyssal nodule province of the Clarion-Clipperton zone in the central Pacific, and was considering a similar study regarding the genetic composition of the biota surrounding the deposits of polymetallic sulphides and cobalt-rich ferromanganese crusts. The project known as HERMES (Hotspot Ecosystem Research on the Margins of European Seas) and the Census of Marine Life[73] are examples of other relevant activities.

79. The secretariat of the Convention on Biological Diversity reported that, following a request by the Conference of the Parties in decision VIII/24, it has, in cooperation with UNEP, developed the "Interactive map of high seas marine protected areas and key habitat distribution: spatial databases containing information on marine areas beyond the limits of national jurisdiction". It has also prepared a synthesis and review of the best available scientific studies on priority

[69] Resolution 58/240, para. 52.

[70] Resolution 59/24, para. 73. This development was also highlighted by Norway in its contribution.

[71] For the reports of the meetings, see A/61/65 and A/63/79.

[72] Resolutions 59/24, para. 81; 60/30, para. 85; 61/222, para. 108; 62/215, para. 121; and 63/111, para. 142.

[73] A/60/63/Add.1 and A/62/66/Add.2.

areas for biodiversity conservation in marine areas beyond the limits of national jurisdiction.[74] The reports of the United Nations University Institute of Advanced Studies referred to in paragraph 87 below are also relevant.

80. The importance of utilizing scientific evidence for the sustainable development of biological diversity of the seabed beyond areas of national jurisdiction has also been stressed by Indonesia in its contribution.

3. Area-based management

81. *Action by the General Assembly*. One of the issues discussed by the Consultative Process in relation to marine biodiversity relates to area-based management of vulnerable marine ecosystems and biodiversity beyond areas of national jurisdiction. Following upon the recommendations of the fourth and fifth meetings of the Consultative Process, the General Assembly has consistently welcomed the efforts of States, and reaffirmed the need to continue such efforts, to develop and facilitate the use of diverse approaches and tools for conserving and managing vulnerable marine ecosystems, including the establishment of marine protected areas consistent with international law and on the basis of the best scientific information available, and the development of representative networks of such marine protected areas by 2012.[75] As recommended by the Consultative Process, the General Assembly has also noted relevant work under the Convention on Biological Diversity.[76] Area-based management of marine biodiversity beyond areas of national jurisdiction was further discussed by the Working Group at its second meeting (see para. 76 above).

82. *Subsequent developments*. In the context of the work of the Convention on Biological Diversity, in 2004, the seventh meeting of the Conference of the Parties established an ad hoc open-ended working group on protected areas (decision VII/28). The secretariat of the Convention reported that following the work of that working group, the eighth meeting of the Conference of the Parties convened an expert workshop on ecological criteria and biogeographic classification systems for marine areas in need of protection (decision VIII/24) and the ninth meeting of the Conference of the Parties adopted scientific criteria for identifying ecologically or biologically significant marine areas in need of protection, and scientific guidance for designing representative networks of marine protected areas (decision IX/20), as recommended by the expert workshop. The General Assembly has noted those efforts in recent resolutions.[77] OSPAR indicated that it was liaising with ISA and other competent authorities in connection with the prospective designation of the Charlie Gibbs fracture zone of the Mid-Atlantic Ridge as an OSPAR marine protected area.

83. In its contribution, Indonesia expressed the view that the designation of marine protected areas and their accompanying tools, such as particularly sensitive sea areas, should be promoted so as to minimize the adverse economic and social impacts of the degradation of the quality of the marine environment for coastal communities and to protect vulnerable marine ecosystems. In the case of marine

[74] The interactive map and the review are available at http://www.cbd.int/.

[75] Resolutions 58/240, para. 54; 59/24, para. 72; 60/30, para. 74; 61/222, para. 97; 62/215, para. 111; and 63/111, para. 134.

[76] Resolutions 58/240, para. 53 and 59/24, para. 71.

[77] Resolutions 62/215, para. 114 and 63/111, para. 135.

protected areas and networks of such areas crossing boundaries, co-management should be established and take into consideration issues of unsettled claims related to maritime boundaries. In respect of the high seas, Indonesia noted that marine protected areas should be established on the basis of verified scientific knowledge to avoid adverse impacts on the freedom of the high seas.

4. Marine genetic resources

84. *Action by the General Assembly*. Marine genetic resources were discussed at the fourth, fifth and eighth meetings of the Consultative Process. Following the eighth meeting, where it was the topic of focus, the General Assembly acknowledged the need to discuss the issue in the Working Group (see para. 76 above), taking into consideration the possible elements suggested by the co-chairpersons of the Consultative Process.[78] It called upon States to further consider the relevant legal regime on marine genetic resources beyond areas of national jurisdiction in accordance with the Convention, in the context of the mandate of the Working Group, with a view to making further progress on this issue.[79] Following the discussions by the Working Group at its second meeting, in 2008, the Assembly reiterated its call upon States to further discuss the issue in the context of the Working Group.[80]

85. Also subsequent to the eighth meeting of the Consultative Process, the General Assembly has recognized the abundance and diversity of marine genetic resources and their value in terms of benefits, goods and services they can provide, as well as the importance of research on marine genetic resources for the purpose of enhancing scientific understanding, potential use and application and enhanced management of marine ecosystems.[81] It has also encouraged States and international organizations to continue to support, promote and strengthen capacity-building activities (see also para. 156 below).[82]

86. *Subsequent developments*. In its contribution, the secretariat of the Convention on Biological Diversity reported that following the fifth meeting of the Consultative Process, the eighth meeting of the Conference of the Parties to the Convention had adopted decision VIII/21 entitled "Marine and coastal biological diversity: conservation and sustainable use of deep seabed genetic resources beyond the limits of national jurisdiction". FAO indicated that its Intergovernmental Commission on Genetic Resources for Food and Agriculture had reviewed and advised the Organization on policy, programmes and activities related to genetic resources of relevance to food and agriculture. In 2006, it had convened a workshop to review the status and trends of genetic resources for aquaculture and fisheries. FAO pointed out that while the topic was of great relevance to its mandate, limited funding prevented it from being more active in that domain.

87. The United Nations University Institute of Advanced Studies indicated that it had prepared a number of reports on biological prospecting in the deep seabed, in Antarctica and in the Arctic mainly in response to the need for an improved informational basis expressed by delegations during the meetings of the

[78] Resolutions 61/222, para. 91 and 62/215, para. 133.
[79] Resolution 62/215 paras. 132 and 133.
[80] Resolution 63/111 para. 122.
[81] Resolutions 62/215, paras. 134 and 135 and 63/111, paras. 123 and 124.
[82] Resolutions 62/215, para. 136 and 63/111, para. 125.

Consultative Process. It had also developed a marine biological prospecting information resource tool, in cooperation with UNESCO.[83]

88. Canada, the European Union and the European Community, as well as IUCN noted that the discussions on marine genetic resources at the eighth meeting of the Consultative Process had provided participants with the opportunity to enhance collective knowledge on this issue. Canada indicated that the discussions also had provided insight into the variety of existing arrangements for access to marine genetic resources and sharing of information, as well as ways to balance research needs and any commercial activity. Indonesia expressed its view on the legal regime governing marine genetic resources beyond areas of national jurisdiction and underlined the importance of benefit-sharing, equal access, capacity-building and transfer of technology.

E. Marine environment

89. "Economic and social impacts of marine pollution and degradation, especially in coastal areas", "Protection and preservation of the marine environment" and "Marine debris" were the topics of focus of the first, third and sixth meetings of the Consultative Process, respectively. In addition, the other meetings of the Process also addressed issues relating to the marine environment (see sect. III.B.2 above). Many of the recommendations of the Consultative Process on the subject of the marine environment were endorsed by the General Assembly. This section focuses on the outcomes of the Consultative Process relating to sustainable development and preparations for the World Summit on Sustainable Development, pollution from land-based activities and marine debris. Developments relating to capacity-building are presented in section IV.I below.

1. Sustainable development and preparations for the World Summit on Sustainable Development

90. Since its inception, the Consultative Process has emphasized the importance of the oceans and seas for providing the vital resources for food security and for sustaining economic prosperity and the well-being of present and future generations.[84] Many of its recommendations on sustainable development of the oceans and seas were endorsed by the General Assembly, including those regarding capacity-building (see paras. 155-157 below), marine fishery resources (see paras. 58-61 above), marine science and technology (see paras. 49-51 above), marine pollution and degradation, in particular from land-based activities (see paras. 99 and 103 below), and integrated ocean management (see paras. 140 and 141 below).

91. Following upon the recommendations of the first meeting of the Consultative Process, the General Assembly has, inter alia, called upon bilateral and multilateral donor agencies to keep their programmes under review to ensure the availability in all States, particularly developing States, of the economic, legal, navigational, scientific and technical capacities and skills necessary for the full implementation of the Convention and the sustainable development of the oceans and seas and their

[83] See www.bioprospector.org/bioprospector/. The reports are available at www.ias.unu.edu/sub_page.aspx?catID=111&dd1ID=169.

[84] See, for example, A/55/274, part A, para. 1.

resources nationally, regionally and globally, and in so doing to bear in mind the rights of landlocked developing States (see also para. 99 below).[85]

92. Various efforts were made by the international community in 2001 and 2002 to ensure that ocean affairs were included on the agenda of the World Summit on Sustainable Development.[86] In this context, the General Assembly recommended that the third meeting of the Consultative Process, in 2002, should organize its discussions around (a) protection and preservation of the marine environment, and (b) capacity-building, regional cooperation and coordination, and integrated ocean management, in order to better coordinate the work of the Consultative Process with the World Summit on Sustainable Development.[87] The report on the work of the Consultative Process was provided to the fourth meeting of the Preparatory Committee for the summit.

93. These coordination and cooperation efforts led to the inclusion of chapters in the Johannesburg Plan of Implementation relating to oceans, seas, islands, coastal areas and small island developing States.[88] The Plan specifically took note of the work of the Consultative Process and the upcoming review of its effectiveness and utility by the General Assembly. The third meeting of the Consultative Process and the World Summit on Sustainable Development identified many common issues and areas for action concerning oceans and seas, including regarding coastal and ocean management, sustainable fisheries, conservation and management of the oceans, protection and preservation of the marine environment, assessment of marine and coastal ecosystems and small island developing States.[89] The outcomes highlighted the need for an inter-agency coordination mechanism on ocean and coastal issues (see para. 176 below) and a regular process.

94. *Action by the General Assembly*. The General Assembly welcomed the Johannesburg Plan of Implementation and endorsed many of the outcomes of the third meeting of the Consultative Process and the World Summit on Sustainable Development. It called upon States to advance implementation of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities and the 2001 Montreal Declaration on the Protection of the Marine Environment from Land-based Activities (see para. 99 below); decided to establish the regular process; called upon States to develop and use diverse approaches and tools in the conservation and management of the oceans; and emphasized the importance of regional cooperation and coordination in integrated oceans management (see para. 140 below).[90]

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[85] A/55/274, part A, para. 8; and resolutions 55/7, para. 22; 56/12, para. 7; 57/141, para. 36; 58/240, para. 20; 59/24, para. 8; 60/30, para. 9; 61/222, para. 9; 62/215, para. 10; and 63/111, para. 9.

[86] A/58/65, paras. 1-10. For further details on the preparations, see A/57/57, paras. 497-511.

[87] Resolution 56/12, para. 48.

[88] *Report of the World Summit on Sustainable Development, Johannesburg, South Africa, 26 August-4 September 2002* (United Nations publication, Sales No. E.03.II.A.1 and corrigendum), chap. I, resolution 2, annex.

[89] A/57/57/Add.1, paras. 75-85.

[90] Resolution 57/141, paras. 7, 8, 43, 45, 53 and 57. Also see the study prepared by the Secretariat, pursuant to paragraph 88 of resolution 61/222, on available assistance to and measures that may be taken by developing States, in particular the least developed States and small island developing States, as well as coastal African States, to realize the benefits of sustainable and effective development of marine resources and uses of the oceans within the limits of national jurisdiction (A/63/342).

95. *Subsequent developments.* The outcomes of the third meeting of the Consultative Process and the World Summit on Sustainable Development have also contributed to the work of intergovernmental organizations. The Department of Economic and Social Affairs considered that the Consultative Process had highlighted the importance of assessing the economic, social and environmental impacts of future development programmes on the marine environment and the need to improve information systems on the marine environment. It observed that the Johannesburg Plan, Agenda 21, the Barbados Programme of Action and the Mauritius Strategy had concurred on the importance of addressing these issues. In the view of UNEP, the Consultative Process was particularly valuable in setting priorities in the marine arena and in developing its programme of work and institutional arrangements relating to subprogrammes on early warning and assessment, ecosystems management, marine law and governance.

96. The World Bank reported that it had been assisting its client countries in a wide range of activities directly related to some of the outcomes of the Consultative Process and corresponding World Summit commitments, in particular, in relation to sustainable fisheries, marine pollution, biodiversity and ecosystem conservation, coastal zone management and coral reefs management. The secretariat of the African Ministerial Conference on the Environment reported that implementation of the marine, coastal and freshwater resources component of the action plan for the environment initiative of the New Partnership for Africa's Development had been implemented as a direct follow-up to the recommendations of the World Summit. In that context, a funding proposal had been submitted to the Global Environment Facility for the development of an African small island developing States project focused on water resource management. The European Investment Bank reported that it had, consistent with General Assembly resolutions on the subject, incorporated environmental and social considerations in its lending objectives and operational practices. It had also recently adopted a statement of environmental and social principles and standards.[91]

97. In its contribution, Indonesia stressed the need to address, in a comprehensive manner, the degradation of the marine environment posed by international shipping activities and land-based pollution, including through marine protected areas and particularly sensitive sea areas (see also para. 83 above).

98. The General Assembly has recently recognized the important contribution of sustainable development and management of the resources and uses of the oceans and seas to the achievement of international development goals, including the United Nations Millennium Declaration; and has continued to reiterate the essential need for cooperation, including through capacity-building and the transfer of marine technology, to ensure that all States, especially developing countries, are able both to implement the Convention and benefit from the sustainable development of the oceans and seas (see also para. 74 above).[92]

2. Pollution from land-based activities

99. *Action by the General Assembly.* In recognition of the fact that most of the pollution load of the oceans emanates from land-based activities, and on the basis of

[91] See www.eib.org/about/news/review-of-the-eib-statement-ofenvironmental-and-social-principles-and-standards-final-draft.htm.

[92] Preamble to resolutions 55/7, 56/12, 57/141, 58/240, 59/24, 60/30, 61/222, 62/215 and 63/111.

the outcomes of the Consultative Process at its first, third, fourth and sixth meetings, the General Assembly has consistently reaffirmed the importance of implementing the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities and called upon States to advance the implementation of the Montreal Declaration and the 2006 Beijing Declaration on Furthering the Implementation of the Global Programme of Action.[93] It has also called upon States to prioritize action on marine pollution from land-based sources as part of their national sustainable development strategies and local Agenda 21 programmes, in an integrated and inclusive manner,[94] and invited them to cooperate at the regional level to develop regionally shared goals and timetables in pursuance of the Global Programme of Action, including through regional seas conventions.[95] The Assembly has further encouraged increased emphasis on the link between freshwater, the coastal zone and marine resources in the implementation of the Millennium Development Goals.[96] Also, following on suggestions from the Consultative Process, the Assembly made specific recommendations in relation to the preparations for the intergovernmental reviews of the Global Programme of Action (see also para. 103 below).[97]

100. *Subsequent developments*. A number of the outcomes of the Consultative Process and action by the General Assembly fed into the discussions and results of the first and second Global Programme of Action intergovernmental review meetings, held in 2001 and 2006 respectively.[98] As reported by UNEP, the Consultative Process has also provided a platform for considering emerging issues in relation to the Global Programme of Action.

101. The World Bank reported that in response to the urgent need to address marine pollution from land-based activities, it had increased its lending portfolio for improved wastewater management to nearly US$ 1 billion. Investments in nutrient reduction from both point and non-point sources, such as agricultural run-off, included support for pollution control in regional seas. FAO stressed the inadequacy of resources to address the economic and social impacts of marine pollution and degradation (see para. 170 below). The secretariat of the African Ministerial Conference on the Environment reported that it had implemented since 2004 a project on land-based activities in the western Indian Ocean. Developments in other regions have been reported on in previous reports of the Secretary-General on oceans and the law of the sea.

102. The General Assembly has continued to call for action by States to implement the Global Programme of Action as a matter of priority and to take all appropriate measures to fulfil the commitments in the Beijing Declaration.[99]

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[93] Resolutions 55/7, preamble; 56/12, preamble; 57/141, para. 43; 58/240, para. 49; 61/222, para. 84; and 62/215, para. 95.

[94] Resolutions 55/7, para. 27; 56/12, para. 36; 57/141, para. 42; 58/240, para. 47; 59/24, para. 63; and 60/30, para. 69.

[95] Resolution 57/141, para. 49.

[96] Resolutions 58/240, para. 48; 59/24, para. 65; 60/30, para. 71; 61/222, para. 85; 62/215, para. 96; and 63/111, para. 114.

[97] Resolutions 55/7, paras. 27, 28 and 29 and 60/30, paras. 70 and 71.

[98] See, for example, paras. 7, 8 (a) and 8 (e) of the Montreal Declaration (UNEP/GPA/IGR.1/9); and paras. 2 (e), 4 and 7 of the Beijing Declaration (UNEP/GPA/IGR.2/7).

[99] Most recently in resolution 63/111, para. 111; see also paras. 112-114.

3. Marine debris

103. *Action by the General Assembly*. Subsequent to the discussions on marine debris at the sixth meeting of the Consultative Process, and building on the elements proposed by the co-chairpersons (see para. 37 above), the General Assembly recognized the need for capacity-building and the particular vulnerability of small island developing States; encouraged States to further develop partnerships with industry and civil society to raise awareness; and urged States to integrate the issue into national strategies dealing with waste management in the coastal zone, ports and maritime industries, to encourage the development of appropriate economic incentives and to cooperate regionally and subregionally to develop and implement joint prevention and recovery programmes. It also invited IMO, in consultation with relevant organizations and bodies, to review annex V to MARPOL.[100] With regard to lost or abandoned fishing gear and related marine debris, the Assembly, in its resolution 60/31, called upon States, FAO, IMO, UNEP, regional fisheries management arrangements and other organizations to take action to address the issue, including through the collection of data and other initiatives; encouraged close cooperation and coordination among relevant actors to address the issue of lost and discarded fishing gear and related marine debris; encouraged relevant actors to consider the implementation of the outcomes of the Asia-Pacific Economic Cooperation Education and Outreach Seminar on Derelict Fishing Gear and Related Marine Debris; encouraged States to raise awareness within their fishing sector and regional organizations and identify options for action; and encouraged the FAO Committee on Fisheries to consider the issue at its 2007 meeting.[101]

104. *Subsequent developments*. In their submissions, a number of organizations, as well as Australia and Norway, highlighted the contribution made by the Consultative Process in relation to marine debris. Since the sixth meeting of the Consultative Process, UNEP, IOC, IMO and FAO have taken steps to address marine debris. UNEP, working in collaboration with other relevant organizations and through its regional seas programmes and the Global Programme of Action, launched a global initiative on marine litter with a view to establishing and developing pilot regional activities and providing a global platform for partnerships, cooperation and coordination.[102] UNEP pointed out that the Consultative Process had provided a platform to share the activities under the global initiative on marine litter. Other activities include the development by UNEP and IOC of operational guidelines on survey and monitoring of marine litter[103] and numerous activities at the regional level organized through the various regional seas programmes.[104]

105. To improve port waste reception facilities, IMO approved circulars on reporting requirements and a revised consolidated format for reporting inadequacies,

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[100] Resolution 60/30, paras. 12 and 65-67. Highlighted also by Norway in its contribution.

[101] Resolution 60/31, paras. 77-82.

[102] See http://www.unep.org/regionalseas/marinelitter/initiatives/default.asp.

[103] 2008 UNEP annual report at www.unep.org/PDF/AnnualReport/2008/AnnualReport2008_en_web.pdf, p. 40.

[104] See http://www.unep.org/regionalseas/marinelitter/initiatives/unepregions/default.asp. For example, in 2008, 12 participating regional sea programmes completed a *Review of the Status of Marine Litter* and seven Regional Seas prepared Action Plans on the Management of Marine Litter. Eleven regions participated in the International Coastal Cleanup campaign in 2007. See 2008 UNEP annual report at www.unep.org/PDF/AnnualReport/2008/AnnualReport2008_en_web.pdf.

and developed an Internet-based database.[105] It also approved an action plan to address the inadequacy of port waste reception facilities.[106] IMO began a review of annex V to MARPOL which is expected to be completed in July 2009.[107] FAO reported that it had provided technical assistance to IMO in connection with the review of annex V[108] and, together with UNEP, had prepared a study on marine litter and abandoned or lost fishing gear. FAO highlighted the lack of funding to support, inter alia, capacity-building to reduce abandoned, lost or otherwise discarded fishing gear (see para. 170 below). The Helsinki Commission reported that the work of the Consultative Process had impacted its work on marine debris, which as such had not been seen as a major problem in the Baltic Sea. OSPAR observed that it had assessed marine debris for more than a decade and contributed to the UNEP global initiative on marine litter. The issue remained on its agenda.

106. Since 2006, marine debris has consistently been addressed in the General Assembly's annual resolutions on both oceans and the law of the sea and sustainable fisheries (see also para. 158 below).[109]

F. Maritime safety

107. "Safety of navigation, including capacity-building for the production of nautical charts" and "Maritime security and safety" were topics of focus at the fourth and ninth meetings, respectively, of the Consultative Process. Other meetings have also addressed issues relating to maritime safety (see sect. III.B.2 above). The recommendations of the Consultative Process on this subject have been endorsed by the General Assembly. Given the brief time elapsed since the ninth meeting, the developments following from it, apart from relevant action by the General Assembly, have been limited and difficult to assess. The present section therefore focuses predominantly on implementation of the outcomes of the fourth meeting relating to the safety of navigation, flag State implementation and enforcement, capacity-building for the production of nautical charts and people at sea. Developments relating to capacity-building are also presented in paragraphs 159, 160 and 171 below.

1. Enhancing the safety of navigation and flag State implementation and enforcement

108. *Action by the General Assembly*. As recommended by the fourth meeting of the Consultative Process, the General Assembly urged States and regional economic integration organizations to work within the framework of IMO and in accordance with the Convention and international rules and regulations regarding measures related to the phase-out of single-hull tankers. It urged flag States without an effective maritime administration and appropriate legal frameworks to establish or enhance the necessary infrastructure, legislative and enforcement capabilities to

[105] A/60/63/Add.2, para. 60.

[106] A/62/66, para. 280.

[107] IMO document MEPC 57/21, para. 5.11.

[108] Food and Agriculture Organization of the United Nations, *Report of the twenty-seventh session of the Committee on Fisheries, Rome, 5-9 March 2007* (FIEL/R830 (En)), para. 78.

[109] Resolutions 61/105, preamble and paras. 94 and 95; 61/222, paras. 12 and 78-80; 62/177, preamble and paras. 104 and 105; 62/215, paras. 14, 89 and 90; 63/111, paras. 16, 106 and 107; and 63/112, preamble and para. 111.

ensure effective compliance with, and implementation and enforcement of, their responsibilities under international law and, until such action was undertaken, to consider declining the granting of the right to fly their flag to new vessels, suspending their registry or not opening a registry. The Assembly encouraged States to adopt the necessary measures, consistent with the Convention, aimed at implementing and enforcing the rules contained in international agreements addressing the safety of navigation.[110]

109. The General Assembly also requested the Secretary-General, in cooperation and consultation with other relevant agencies, organizations and programmes, to prepare and disseminate to States a comprehensive elaboration of the duties and obligations of flag States, including the potential consequences for non-compliance prescribed in the relevant international instruments; and invited IMO and other relevant competent international organizations to study, examine and clarify the role of the "genuine link" in relation to the duty of flag States to exercise effective control over ships flying their flag, including fishing vessels.[111]

110. The General Assembly has benefited from consideration by the Consultative Process of efforts to develop and implement the Voluntary IMO Member State Audit Scheme to enhance the performance of States in implementing IMO instruments relating to maritime safety and the prevention of marine pollution, and recommendations on these efforts have been endorsed by the Assembly.[112]

111. The General Assembly has also recognized the important role of port State control in promoting enforcement of, and compliance with, internationally agreed safety, labour and pollution standards, as well as with maritime security regulations and conservation and management measures; and encouraged the exchange of information between port State control authorities.[113] Following the ninth meeting of the Consultative Process, the General Assembly further recognized that maritime safety can be improved through effective control by port States, strengthening of regional arrangements and increased coordination and cooperation among them, and increased information-sharing, including between the safety and security sectors.[114]

112. With regard to the transport of radioactive materials,[115] following the fourth meeting, the General Assembly welcomed the relevant work and resolutions of IAEA.[116] In subsequent resolutions, the Assembly has noted progress in the implementation of the IAEA Action Plan for the Safe Transport of Radioactive Material and encouraged States concerned to continue their efforts in the implementation of all areas of the Action Plan. The Assembly has consistently noted that cessation of the transport of radioactive materials through the regions of small island developing States is an ultimate desired goal of small island developing States and some other countries, and recognized the right of freedom of navigation in accordance with international law. States should maintain dialogue and

[110] Resolution 58/240, paras. 23, 24 and 27.

[111] Ibid., paras. 28, 29 and 31.

[112] Resolutions 57/141, para. 47; 58/240, para. 30; 59/24, para. 40; 60/30, para. 48; 61/222, para. 72; and 63/111, para. 95.

[113] Resolutions 58/240, paras. 33, 34 and 35 and 58/14, paras. 23, 28 and 29.

[114] Resolution 63/111, para. 96.

[115] A/55/274, part B, para. 114; A/56/121, part B, para. 83; A/57/80, part B, para. 48; A/58/95, paras. 52 and 73; A/60/99, para. 38; and A/63/174, para. 84.

[116] Resolution 58/240, preamble and para. 26. See also resolution 59/24, para. 37.

consultation, in particular under the aegis of IAEA and IMO, with the aim of improved mutual understanding, confidence-building and enhanced communication in relation to the safe maritime transport of radioactive materials. States involved in the transport of such materials are urged to continue to engage in dialogue with small island developing States and other States to address their concerns. These concerns include the further development and strengthening, within the appropriate forums, of international regulatory regimes to enhance safety, disclosure, liability, security and compensation in relation to such transport.[117] In this context, and upon the recommendation of the ninth meeting of the Consultative Process, the General Assembly acknowledged the potential environmental and economic impacts of maritime incidents and accidents on coastal States, in particular those related to the transport of radioactive materials, and emphasized the importance of effective liability regimes in that regard.[118]

113. *Subsequent developments*. Following the fourth meeting of the Consultative Process, IMO adopted an accelerated phase-out scheme for single-hull tankers and a new regulation on carriage of heavy fuel oil.[119] The Consultative Group on Flag State Implementation prepared and disseminated to States a comprehensive articulation of the duties and obligations of flag States and the legal consequences of non-compliance.[120] An ad hoc consultative meeting of senior representatives of international organizations on the subject of the "genuine link" was convened by IMO to prepare and disseminate a study to examine and clarify the role of the "genuine link" in relation to the duty of flag States to exercise effective control over ships flying their flag, including fishing vessels, and the potential consequences of non-compliance with duties and obligations of flag States described in relevant international instruments.[121] The General Assembly considered the study (A/61/160, annex) at its sixty-first session. It also welcomed the adoption by IMO of resolutions on the establishment of the Voluntary IMO Member State Audit Scheme and the Code for the implementation of mandatory IMO instruments.[122] In its contribution, IMO indicated that 26 audits had been completed under the Audit Scheme, four regional training courses for auditors had been held in 2008, and four organized for 2009.

114. With regard to port State control, nine regional agreements are currently in operation, and participating States continue to coordinate their activities, for example, through joint concentrated inspection campaigns between these regional agreements, to increase the efficient use of resources and information.[123]

115. In its contribution, the Department of Economic and Social Affairs highlighted the recognition by the Consultative Process of the importance of an effective

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[117] Resolutions 60/30, paras. 45 and 46; 61/222, paras. 55 and 56; 62/215, paras. 58 and 59; and 63/111, paras. 82 and 83.

[118] Resolution 63/111, para. 84.

[119] A/59/62, paras. 144, 145 and 172.

[120] A/58/95, paras. 12 (c) and (e), 24 (b), 122 and 123; resolution 58/240, paras. 29 and 31; and report of the Secretary-General on the Consultative Group on Flag State Implementation (A/59/63 and Corr.1). Also see the IMO submission to the Consultative Process in A/AC.259/11. In paragraph 39 of its resolution 59/24, the General Assembly welcomed the report of the Consultative Group and invited all concerned organizations to disseminate it widely.

[121] Resolutions 58/240, para. 28 and 58/14, para. 22.

[122] Resolution 61/222, paras. 72 and 73.

[123] A/63/63, para. 195.

maritime infrastructure and administration to the safety of navigation, and the need to establish institutional and legal frameworks to achieve this end. It also noted that the Johannesburg Plan of Implementation, Agenda 21 and the Mauritius Strategy had concurred on the importance of addressing issues relating to maritime security and safety in promoting the economic, social and environmental pillars of sustainable development, and the need for international organizations to play an important and active role in the development and implementation of the legal regime of maritime security and safety. The secretariat of the Agreement for Cooperation in Dealing with Pollution of the North Sea by Oil and other Harmful Substances (Bonn Agreement) indicated that it had continued to integrate environmental issues with navigation and safety through consideration of environmental sensitivity mapping, potentially polluting wrecks and preparedness/response risk assessment exercises.

116. Regarding the transport of radioactive materials, IAEA has adopted a series of resolutions concerning measures to strengthen international cooperation in nuclear, radiation, transport and waste safety, including those aspects relating to maritime transport safety. The International Conference on the Safety of Transport of Radioactive Material convened by IAEA provided an opportunity for States to address issues relating to the transport of radioactive materials, including by sea. The Action Plan for the Safe Transport of Radioactive Material was approved by the IAEA Board of Governors and progress was made in its implementation.[124]

117. FAO indicated as a main challenge for the safety of fishing operations, the lack of safety measures in national legislation and the non-implementation and non-acceptance of international instruments relating to safety at sea.

118. Despite the above-mentioned efforts, the General Assembly has repeated its call for States to ratify or accede to international agreements addressing safety and security of navigation and maritime labour, and adopt the necessary measures to implement and enforce those agreements, and it has emphasized the need for capacity-building and assistance to developing States in relation to their participation in those agreements (see also para. 160 below). The Assembly has also continued to urge flag States to establish or enhance the necessary infrastructure and legislative and enforcement capabilities to ensure effective compliance with, and implementation and enforcement of, their responsibilities under international law.[125]

2. Hydrographic services and the production of nautical charts

119. *Action by the General Assembly*. Following discussions at earlier meetings of the Consultative Process, and recommendations at its fourth meeting,[126] the General Assembly has consistently recognized the importance of hydrographic surveys and nautical charting and their multisectoral uses, and the need to transition towards electronic nautical charts because of their significantly increased benefits.[127]

120. After the second meeting of the Consultative Process,[128] the General Assembly invited IHO, in cooperation with other relevant international

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[124] Resolutions 57/141, preamble; 58/240, preamble and para. 26; and 59/24, para. 37.

[125] Ibid., paras. 53 and 94.

[126] A/55/274, part B, para. 82; A/56/121, part A, para. 49; A/57/80, part B, para. 53; and A/58/95 para. 6.

[127] See the preamble to resolutions 56/12, 58/240, 59/24, 60/30, 61/222, 62/215 and 63/111.

[128] A/56/121, part A, para 50.

organizations and interested Member States, to build hydrographic capacity in States which did not yet have adequate hydrographic services.[129] Subsequently, it encouraged broad efforts to build capacity to improve hydrographic services and the production of nautical charts.[130] In addition, the Assembly has invited IHO and IMO to work together to encourage the transition to electronic nautical charts and to increase the coverage of hydrographic information.[131]

121. Following the fourth meeting, the General Assembly took up the call to encourage greater membership in IHO to increase the coverage of hydrographic information and to enhance capacity-building.[132]

122. *Subsequent developments*. At the time of the fourth meeting of the Consultative Process, IHO membership consisted of 73 States, with an additional 8 States pending.[133] In its contribution, the International Hydrographic Bureau pointed out that there were currently 80 States members of IHO as compared to 164 in IMO. The General Assembly has consistently called for increased membership of IHO.[134]

123. IHO reported that it had established a capacity-building strategy, a capacity-building committee and a capacity-building fund. It had organized workshops, seminars and short courses, including on the collection of hydrographic data and production of charts. In its contribution, Indonesia suggested that IHO should strengthen its capacity-building activities through tailor-made functional assessments, technical assistance, project development and financial support in order to help developing coastal States to produce adequate nautical charts.

124. The Helsinki Commission observed that the outcome of the fourth meeting had matched its earlier adoption of a working programme for re-survey of major and secondary shipping routes in the Baltic, which were now covered by electronic nautical charts, and that that working programme was currently being revised.

3. People at sea

125. *Action by the General Assembly*. The fourth and sixth meetings of the Consultative Process, and subsequent General Assembly resolutions, addressed the development of international labour standards for seafarers and fishers and standards regarding the safety of fishers, and welcomed the work of the ILO, IMO and FAO in respect of the development of such standards.[135] The ninth meeting recognized the critical role of the human element (seafarers and fishers) in promoting maritime security and safety, and the provision of assistance to persons in distress at sea.[136] In this regard, the General Assembly has addressed training for seafarers, implementation of security and safety measures, international labour standards for seafarers and fishers and standards regarding the safety of fishers and

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[129] Resolutions 56/12, para. 33; 57/141, para. 30; and 58/240, paras. 42-45.

[130] Resolutions 59/24, para. 9; 60/30, para. 10; 61/222, para. 10; 62/215, para. 11; and 63/111, para. 10.

[131] Resolutions 58/240, para. 43; and 59/24, para. 36.

[132] Resolution 58/240, para. 20.

[133] A/58/65, para. 83.

[134] Resolutions 61/222, para. 53; 62/215, para. 56; and 63/111, para. 81.

[135] Resolutions 58/240, para. 32; and 60/31, preamble and para. 2. For details of the development of the applicable ILO standards, see A/61/63, paras. 77-79 and A/62/66/Add.1, paras. 78-84.

[136] A/63/174, paras. 6 and 7.

fishing vessels.[137] Regarding assistance to persons in distress at sea, the General Assembly has addressed the work of the inter-agency group on the treatment of persons rescued at sea, the work of IMO in relation to disembarkation of persons rescued at sea,[138] search and rescue responsibilities and capabilities, unseaworthy ships and small craft within the national jurisdiction of States and comprehensive approaches to international migration and development.[139]

126. *Subsequent developments*. ILO reported that its work to promote the ratification and implementation of international labour standards was ongoing (see para. 171 below). FAO pointed out that the ninth meeting had raised awareness of and underlined the urgent need to address the safety of fishing. The shortcomings and challenges in respect of safety at sea identified by FAO were non-acceptance of international instruments, absence of national legislation and failure to implement national legislation. UNHCR expressed the view that the ninth meeting had provided an excellent opportunity to raise issues relating to refugees and other persons of concern with maritime experts, with whom UNHCR generally had little contact. The Office of the United Nations High Commissioner for Human Rights reported on the ongoing efforts by the Special Rapporteur on the human rights of migrants to address aspects of rescue at sea.[140]

G. Maritime security

127. Maritime security issues were the topics of focus at the second and ninth meetings of the Consultative Process, and piracy and armed robbery against ships was also addressed at the first, fourth, fifth and eighth meetings (see sect. III.B.2 above). Given the short time since the adoption of the outcomes of the ninth meeting and their incorporation into General Assembly resolution 63/111, implementation is limited and difficult to assess. Nevertheless, some recent significant developments are noted in the present section. Developments relating to capacity-building are presented in paragraphs 160, 172 and 173 below.

1. Piracy and armed robbery against ships

128. *Action by the General Assembly*. The General Assembly has consistently addressed piracy and armed robbery against ships in its annual resolutions on oceans and the law of the sea. Subsequent to the second meeting of the Consultative Process, it emphasized capacity-building; urged the adoption of measures, including for capacity-building, prevention, reporting and investigation and bringing alleged perpetrators to justice; encouraged a common approach to enforcement, investigation and prosecution; called for cooperation with IMO including by reporting on incidents and implementing IMO guidelines; and urged States to become parties to and implement the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental

[137] Resolution 63/112, paras. 55-58.

[138] For the report of the thirty-fifth session of the IMO Facilitation Committee in January 2009, see IMO document FAL 35/WP.6.

[139] Resolution 63/111, paras. 89-92.

[140] See A/HRC/7/12.

Shelf.[141] After the ninth meeting, the General Assembly, inter alia, emphasized prompt reporting and effective information-sharing with States potentially affected; called upon States to facilitate apprehension and prosecution under national law; urged States to adopt measures, including for capacity-building, and adopt national legislation, provide enforcement vessels and equipment and guard against fraudulent ship registration; called upon States to give immediate attention to cooperation agreements at the regional level; expressed serious concern regarding the situation off the coast of Somalia; urged the full implementation of IMO Assembly resolution A.1002(25); called upon States to become parties to the above-mentioned Convention and Protocol; and invited States to consider becoming parties to the 2005 Protocols amending those instruments.[142]

129. *Subsequent developments*. At the global level, IMO has undertaken a number of important initiatives, including the adoption of the Code of Practice for the Investigation of the Crimes of Piracy and Armed Robbery Against Ships and a resolution on measures to prevent the registration of phantom ships;[143] collecting and circulating reports regarding incidents;[144] and organizing regional seminars, workshops and assessment missions to foster the development of regional agreements on counter-piracy. In its contribution, IMO reported that it is currently revising the Code of Practice, its recommendations to Governments for preventing and suppressing piracy and armed robbery against ships and its guidance to ship-owners and ship operators, shipmasters and crews on preventing and suppressing acts of piracy and armed robbery against ships (see also para. 131 below).[145] The International Criminal Police Organization offered to assist in combating piracy and armed robbery against ships through its global infrastructure, national offices and expertise. Since 2006, it had had a standing cooperation agreement with IMO on maritime security issues, and it considered the UNODC proposal to place ship-riders on enforcement vessels around Somalia as an important effort to which it could provide assistance.

130. The European Union and the European Community expressed support for further work in the implementation of the outcome of the ninth meeting at the United Nations and IMO levels and, noting in particular the General Assembly's call for immediate action against piracy off the coast of Somalia, reported that the European Union had launched a military operation, Operation Atalanta, within the framework of the European Security and Defence Policy and in support of the relevant Security Council resolutions.

131. At the regional level, in Asia, 14 States have been cooperating through the 2004 Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia;[146] and Indonesia, Malaysia, Singapore and Thailand have been cooperating in the Straits of Malacca and Singapore through the Malacca Straits Patrols.[147] IMO reported that the Code of Conduct concerning the

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[141] Resolution 56/12, preamble and paras. 29-32.

[142] Resolution 63/111, paras. 61-69.

[143] IMO Assembly resolutions A.923(22) and A.922(22).

[144] The International Maritime Bureau of the International Chamber of Commerce also collects and circulates information on actual or attempted attacks on a global level. See www.icc-ccs.org.

[145] See MSC/Circ.622/Rev.1 and MSC/Circ.623/Rev.3, respectively. The IMO Maritime Safety Committee will consider the revised circulars and the Code of Practice in May 2009.

[146] See www.recaap.org.

[147] See www.mindef.gov.sg/imindef/news_and_events/nr/2008/sep/18sep08_nr.html.

Repression of Piracy and Armed Robbery against Ships in the Western Indian Ocean and the Gulf of Aden had been adopted on 29 January 2009 at a meeting convened by IMO in Djibouti, and signed at that time by nine States (see also para. 173 below).[148]

132. In view of the increased number of incidents of piracy and armed robbery off the coast of Somalia, the Security Council adopted resolutions 1838 (2008), 1846 (2008) and 1851 (2008) specifically addressing the situation off the coast of Somalia. Pursuant to these resolutions, as well as resolution 1816 (2008), States are assisting the Transitional Federal Government of Somalia by, inter alia, providing naval assets to patrol the waters off the coast of Somalia[149] and are cooperating in the capture and prosecution of suspected offenders.[150] The United Nations has also considered measures to address the internal situation in Somalia.

133. The issue has also been addressed at international meetings organized, inter alia, by the United Nations Political Office in Somalia,[151] the United Nations Interregional Crime and Justice Research Institute[152] and the League of Arab States.[153] The Contact Group on Piracy Off the Coast of Somalia established pursuant to Security Council resolution 1851 (2008), at its first meeting on 14 January 2009, established four working groups to consider different aspects of the problem in preparation for a second meeting in March 2009.[154]

134. In its contribution, the World Food Programme welcomed the efforts undertaken so far to protect navigation off the coast of Somalia, but expressed concern about their long-term sustainability and noted that the root causes of instability needed to be addressed. Indonesia indicated that piracy and armed robbery against ships should not be linked to terrorism. It also highlighted the importance of reporting incidents to the coastal State and of preventive measures, including capacity-building and regional cooperation.

2. Other threats to maritime security[155]

135. *Action by the General Assembly*. Subsequent to the ninth meeting, the General Assembly, inter alia, encouraged States to participate in and implement relevant international agreements; emphasized that negative effects on seafarers and fishers should be addressed and a culture of safety and security be promoted in the shipping industry; urged the establishment of more centres for seafarers to promote the required education and training; recalled that all actions taken to combat threats to maritime security must be in accordance with international law; recognized the

[148] See www.imo.org.

[149] See, for example, www.consilium.europa.eu/showPage.aspx?id=1518&lang=en and www.navy.mil/local/CTF-151/.

[150] See, for example, the memorandums of understanding concluded between Kenya and the United States and between Kenya and the United Kingdom, www.voanews.com/english/2009-01-27-voa16.cfm and www.mfa.go.ke/mfacms/index.php?option=com_content&task=view&id=305&Itemid=2.

[151] www.reliefweb.int/rw/rwb.nsf/db900sid/EGUA-7M8MJS?OpenDocument.

[152] www.unicri.it/news/0901-2_maritime_piracy/index.php.

[153] Contribution of the League of Arab States.

[154] www.africom.mil/getArticle.asp?art=2466&lang=.

[155] While the programme of work of the ninth meeting and the consensual elements suggested by the co-chairpersons focused on specific threats to maritime security, at the meeting some delegations also discussed other threats.

crucial role of international cooperation at all levels to combat threats; urged States, in cooperation with IMO, to improve the protection of offshore installations; recognized that transnational organized crime activities are diverse and may be interrelated and may threaten legitimate uses of the oceans and endanger the lives of people at sea; and recognized the importance of enhancing international cooperation at all levels to fight transnational organized crime.[156]

136. *Subsequent developments*. IMO reported that it continued its work on the long range identification and tracking system and had also approved a Maritime Safety Committee circular on non-mandatory guidelines on security aspects of the operation of vessels that did not fall within the scope of chapter XI-2 of the International Convention for the Safety of Life at Sea and the International Ship and Port Facilities Security Code. The Office for Disarmament Affairs of the Secretariat reported on the steps the United Nations had taken to prevent illicit traffic in weapons of mass destruction.

137. Recent regional developments include the adoption, in 2008, by the Caribbean Community of the Maritime and Airspace Security Cooperation Agreement, which set up a comprehensive framework for cooperation in combating various threats to maritime and aviation security; and by 20 member States of the Maritime Organization of West and Central Africa of a memorandum of understanding on the establishment of a subregional integrated coast guard network in West and Central Africa, which provides for subregional cooperation to combat a wide range of maritime offences.[157]

138. Canada, in its contribution, noted that the ninth meeting had identified useful advice and assistance for agencies to governmental authorities and vice versa, especially with respect to common approaches to enforcement techniques and capacity-building, and especially in showing linkages among components of that agenda that might not have been widely recognized. Indonesia observed that States had different approaches to maritime security and that in the absence of a universal definition the international community should take a comprehensive approach to the issue. As a step forward, regional cooperation frameworks should be developed (see also para. 67 above).

H. Management approaches

139. The Consultative Process has addressed the cross-cutting issue of management approaches at most of its meetings, particularly the third and seventh meetings (see sect. III.B.2 above). As a reflection of those discussions and the widespread recognition that integrated ocean management and ecosystem approaches to ocean management provide useful models for the management of ocean-related activities, the General Assembly has recognized that "the problems of ocean space are closely interrelated and need to be considered as a whole through an integrated, interdisciplinary and intersectoral approach".[158] Below are some examples of developments that implement or address the relevant outcomes of the Consultative

[156] Resolution 63/111, paras. 53-97.

[157] A/63/63/Add.1, paras. 91 and 101.

[158] This preambular paragraph was included in resolution 56/12 and in all subsequent resolutions.

Process. Developments relating to capacity-building are presented in paragraphs 156, 161, 162 and 163 below.

140. In line with the outcome of the third meeting of the Consultative Process, the Johannesburg Plan of Implementation addressed issues relating to integrated ocean management and ecosystem approaches, including setting a time frame of 2010 for the application of the ecosystem approach.[159] The Department of Economic and Social Affairs reported that the Barbados Programme of Action outlined a list of actions to be taken in that regard and the Mauritius Strategy focused on the need to develop national capacities to monitor, conserve and manage coral reefs and associated ecosystems, in the context of integrated policies and sound management approaches.

1. Ecosystem approaches and oceans

141. *Action by the General Assembly*. The General Assembly welcomed the commitments set out in the Johannesburg Plan of Implementation, including those addressing the use of diverse approaches and tools, including the ecosystem approach, proper coastal and land use and watershed planning, and the integration of marine and coastal areas management into key sectors. Such calls were reiterated in all subsequent resolutions, indicating that implementation efforts are ongoing.[160] Following the seventh meeting of the Consultative Process,[161] the General Assembly has invited States to consider the agreed consensual elements relating to ecosystem approaches and oceans, as suggested by the Consultative Process, in particular the proposed elements of an ecosystem approach, means to achieve implementation of an ecosystem approach and requirements for improved application of an ecosystem approach.[162]

142. *Subsequent developments*. In their contributions, Canada and IUCN noted that the results of the seventh meeting were praised in the oceans community as presenting, for the first time, in an integrated fashion all the necessary elements to implement an ecosystem approach. Canada considered that the Consultative Process had advanced the international oceans governance debate by demystifying the difference between sectoral approaches and integrated management in the context of an ecosystem approach, which could help to enhance agreement in global discussions on oceans governance. The outcome of the Consultative Process on ecosystem approaches and oceans had since been presented to several forums with a view to proposing a concrete framework to practitioners tasked with the implementation of such an approach.

143. The secretariat of the Convention on Biological Diversity reported that the ninth meeting of the Conference of the Parties had adopted decision IX/7 entitled "Ecosystem approach". The secretariat had developed the "Ecosystem approach sourcebook" and an ecosystem approach e-newsletter, which provided information on relevant developments and national experiences, including in the application of an ecosystem approach to ocean management.[163]

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[159] Para. 30 (b) to (g).

[160] Resolutions 57/141, para. 8; 58/240, para. 54; 59/24, para. 72; 60/30, para. 74; 61/222, para. 97; and 63/111, para. 134.

[161] A/61/156, which focused specifically on ecosystem approaches and oceans.

[162] Resolution 61/222, para. 119.

[163] Canada also noted this development in its contribution.

144. UNIDO reported that it was implementing a number of projects related to large marine ecosystems and international waters and that the results of the meetings of the Consultative Process were being used in the implementation of such projects as well as in pipeline preparation. The European Environment Agency pointed out that the 2008 European Union marine strategy framework directive transposed the ecosystem-based approach to the management of human activities, discussed at the Consultative Process in 2006, into European Union legislation. The Helsinki Commission reported that the Baltic Sea Action Plan, adopted at its ministerial meeting in 2007, had been widely heralded as a pilot project and a model to be followed in applying the large marine ecosystem approach to other regional seas. The Baltic Sea Action Plan included several measures which were linked to the priorities set by the Consultative Process, such as speedier ratification of international conventions, such as the 2004 International Convention for the Control and Management of Ships Ballast Water and Sediments; developing a mutual plan for places of refuge between the Baltic Sea neighbouring countries, including issues relating to compensation and liability; and enhanced contingency planning in which the emergency and response resources of the neighbouring countries are pooled together to assess their sufficiency.

145. The United Nations University Institute of Advanced Studies reported that, in collaboration with UNESCO, it had produced a report on implementing the ecosystem approach in open ocean and deep sea environments[164] which concluded that a stakeholder participation process was central to implementing the ecosystem approach in open ocean and deep sea environments, where such approaches had to date been lacking. That type of stakeholder participation process still remained to be developed.

2. An ecosystem approach to fisheries management

146. *Action by the General Assembly*. Following the recommendations of various meetings of the Consultative Process on the application of an ecosystem approach to fisheries,[165] the General Assembly, in the context of the sustainable fisheries resolution, has encouraged States to apply by 2010 the ecosystem approach, noting the Reykjavik Declaration on Responsible Fisheries in the Marine Ecosystem and decisions V/6 and VI/12 of the Conference of the Parties to the Convention on Biological Diversity, and to consider the guidelines of FAO for the implementation of ecosystem considerations in fisheries management. The Assembly has noted the importance of this approach to relevant provisions of the 1995 Fish Stocks Agreement and the FAO Code of Conduct for Responsible Fisheries. The Assembly has also recognized that the interrelationship between ocean activities, such as shipping and fishing, and environmental issues needed further consideration.[166]

147. The Assembly has also called upon all States, directly or through regional fisheries management organizations and arrangements, to apply the precautionary approach and an ecosystem approach widely to the conservation, management and exploitation of fish stocks, and has urged further efforts by them to strengthen and modernize their mandates to include an ecosystem approach to fisheries

[164] See www.ias.unu.edu/binaries2/DeepSea_Stakeholders.pdf.

[165] A/57/80, paras. 39-40; A/58/95, paras. 15 and 18; A/60/99, paras. 5 and 7; and A/61/156, paras. 7 and 8.

[166] Resolutions 57/142, 58/14, 59/25, 60/31, 61/105, 62/177 and 63/112.

management and biodiversity considerations.[167] A number of regional fisheries management organizations have, in recent years, undertaken reviews of their mandates to that end (see also para. 66 above).

148. *Subsequent developments*. FAO noted that while it had already had issues relating to the application of an ecosystem approach to management under consideration, the work of the Consultative Process had strengthened the sense of urgency in dealing with them. In that regard, FAO had developed a "Strategy on improving information on status and trends of capture fisheries" as a contribution to improving the information base for fisheries management. Furthermore, following up on the recommendations made by the 2001 Reykjavik Conference on Sustainable Fisheries in the Marine Ecosystem, it had produced guidelines for the implementation of the ecosystem approach to fisheries. FAO also reported that several member countries had received support and training in concepts and methodologies for planning and implementing the ecosystem approach. Further guidance was being developed, including "Best practices in ecosystem modelling for informing on ecosystem approach to fisheries" and "Human dimensions of the ecosystem approach to fisheries". A toolbox and indicators for the application of the ecosystem approach and a review on the use of the Geographic Information System in support of its implementation were also under preparation.

149. WCPFC reported that its Scientific Committee had established an ecosystems and by-catch specialist working group dedicated to broad ecosystem and non-target species considerations in relevant tuna fisheries. The Commission had allocated approximately 20 per cent of the organization's total science budget to ecosystem studies, which included ecological risk assessment. The Commission had adopted binding measures to mitigate the by-catch in tuna fisheries and a resolution to discourage the indiscriminate harvest of non-target fish species taken during tuna fisheries operations. At its 2008 annual session the Commission had also adopted a conservation and management measure prohibiting the use of long (>2.5 km) driftnets in the entire Convention Area. The South East Atlantic Fisheries Organization reported that its management regime was science-based, took into consideration an ecosystem approach and applied precautionary approach principles in the absence of reliable information.

150. While recognizing that a broad understanding had developed of what the ecosystem approach actually entailed, FAO noted that there were still great difficulties in its application. Additional resources were required to support the many members who wished to progress in this respect.

3. International cooperation and coordination

151. *Action by the General Assembly*. The General Assembly has reiterated the essential role of international cooperation and coordination in promoting the integrated management and sustainable development of the oceans and seas (see also sect. J below).[168] In particular, at the recommendation of the third meeting of the Consultative Process,[169] the Assembly emphasized the importance of regional organizations and arrangements for cooperation and coordination in integrated

[167] Resolution 60/31, paras. 4 and 58; see also paras. 63 and 64.

[168] Resolution 57/141, preamble; reiterated in all subsequent resolutions on oceans and the law of the sea.

[169] A/57/80/, para. 10.

oceans management and, where separate regional structures deal with different aspects of oceans management, such as environmental protection, fisheries management, navigation, scientific research and maritime delimitation, it called for those different structures to work together for optimal cooperation and coordination.[170]

152. *Subsequent developments*. In its contribution, OSPAR reported that in line with the above requests, it cooperated with organizations responsible for fishing and shipping activities in the region (the North East Atlantic Fisheries Commission and IMO) when those activities had negative impacts on the environment of the north-east Atlantic (see also para. 82 above).

153. Indonesia underlined that there was a need for better ocean management and coordination at all levels to incorporate relevant principles enshrined in the United Nations Convention on the Law of the Sea, the United Nations Framework Convention on Climate Change and its Kyoto Protocol, and the United Nations Conference on Environment and Development. Such management should be based on reliable scientific data and provide mechanisms for exchange of information leading to transfer of technology.

154. The General Assembly has consistently emphasized the importance of cooperation and coordination for integrated ocean management, including at the regional level.[171]

I. Capacity-building

155. In recognition of its cross-cutting character and relevance to all areas of focus, capacity-building has been addressed by all meetings of the Consultative Process (see sect. III.B.2 above). Some of the issues have included the identification of capacity gaps; capacity for the implementation of the United Nations Convention on the Law of the Sea;[172] capacity in relation to marine scientific research;[173] the transfer of environmentally sound technologies associated with the conservation and sustainable development and use of marine resources, including marine genetic resources;[174] capacity needs in relation to sustainable fisheries;[175] capacity for the development and improvement of hydrographic services including transition to electronic nautical charts;[176] and the enhancement of technologies and capacities to respond to threats to maritime security and safety.[177] Developments in the implementation of the outcomes of the Consultative Process in this area, as related in the contributions to the present report, are outlined below.

156. *Action by the General Assembly*. Following discussions at the first and third meetings of the Consultative Process, the General Assembly invited relevant parts of the United Nations system to promote the building of national capacity for

[170] Resolution 57/141, para. 57.

[171] Resolutions 58/240, preamble and para. 62; 59/24, preamble and para. 88; and the preambular paragraphs of resolutions 60/30, 61/222, 62/215 and 63/111.

[172] A/55/274, paras. 6, 7 and 8.

[173] A/56/121, paras. 24-26 and 46-47 and A/60/99, para. 12 (e).

[174] A/61/156, para. 8 and A/62/69, paras. 99-108.

[175] A/57/80, para. 53 and A/60/99, para. 8 (c).

[176] A/58/95, para. 7 and A/59/122, paras. 44 and 45.

[177] A/63/174, paras. 10, 93, 95, 101 and 122-128.

integrated management of the coastal zone and the protection of its ecosystem, including through the provision of training and institutional support.[178] Following the second meeting, the Assembly called upon States to continue to strengthen capacity-building activities, in particular in developing countries, in the field of marine scientific research by, inter alia, training the necessary skilled personnel, providing the necessary equipment, facilities and vessels and transferring environmentally sound technologies.[179] Following on the discussions on marine genetic resources at the eighth meeting, the Assembly encouraged States and international organizations to continue to support, promote and strengthen capacity-building activities, especially in developing countries, in the field of marine scientific research, taking into account in particular the need to create greater taxonomic capabilities.[180]

157. As regards sustainable fisheries, the General Assembly, following upon the third meeting, recognized that one component of a programme of assistance to be developed in accordance with Part VII of the 1995 Fish Stocks Agreement was the establishment of a voluntary trust fund within the United Nations system.[181] The Assistance Fund was established by the General Assembly the following year.[182] Following the sixth meeting, the Assembly encouraged increased capacity-building and technical assistance for small-scale fisheries and enhanced opportunities for fishery resources in developing countries to contribute to sustainable development in those countries.[183]

158. The Assembly recognized the need to build the capacity of developing States to raise awareness and support implementation of improved waste management practices, noting the particular vulnerability of small island developing States, following the discussions on marine debris at the sixth meeting of the Consultative Process.[184]

159. As regards maritime safety, the General Assembly, subsequent to the second meeting, invited IHO to provide the necessary assistance to States in order to enhance hydrographic capability to ensure, in particular, the safety of navigation and the protection of the marine environment.[185] Furthermore, as a follow-up to the fourth meeting, the Assembly encouraged intensified efforts to build capacity for developing countries to improve hydrographic services and the production of nautical charts (see also paras. 120 and 121 above).[186]

160. As recommended by the Consultative Process at its ninth meeting, the General Assembly has recently emphasized the need for capacity-building and assistance to developing States in relation to their participation in international agreements addressing safety and security of navigation and maritime labour. It has, inter alia, welcomed ongoing activities for capacity-building to address maritime security and safety needs and protection of the marine environment of developing States, and

[178] Resolution 55/7, para. 26.
[179] See resolution 56/12, para. 28.
[180] Resolutions 62/215, para. 136 and 63/111, para. 125.
[181] Resolution 57/143, paras. 9 and 12-16.
[182] Resolution 58/14.
[183] Resolution 60/31, paras. 85-88.
[184] Resolution 60/30, para. 12.
[185] Resolution 56/12, para. 33.
[186] Resolution 58/240, paras. 42 and 44.

encouraged States and international financial institutions to provide further funding, including for transfer of technology, including through IMO and other competent international organizations. The Assembly has recognized the considerable need for the provision of sustained capacity-building assistance, including financial and technical assistance, by relevant international organizations and donors to developing States, to strengthen their capacity to take effective measures against the multiple facets of international criminal activities at sea in line with the relevant international instruments.[187] The need for capacity-building measures to effectively combat piracy and armed robbery against ships was also recognized by the General Assembly following the second and ninth meetings of the Consultative Process and States were urged to take such measures.[188]

161. *Subsequent developments*. In line with the discussions at the third meeting of the Consultative Process, the Johannesburg Plan of Implementation underlined the importance of building capacity in a number of areas, including in the promotion of the conservation and management of the oceans; in marine science information and management, through, inter alia, promoting the use of environmental impact assessments; in the implementation of the Global Programme of Action and in the management of risks and impacts of ocean pollution.[189] The Department of Economic and Social Affairs reported that the Johannesburg Plan of Implementation, Agenda 21, the Barbados Programme of Action and the Mauritius Strategy all concurred on the importance of capacity-building. In particular, the Barbados Programme of Action presented a list of capacity-building actions to be taken, while the Mauritius Strategy focused part of its attention on the need to develop national capacities to monitor, conserve and manage coral reefs and associated ecosystems.

162. The Division for Ocean Affairs and the Law of the Sea has continued to engage in training activities under its TRAIN-SEA-COAST programme; provide ad hoc briefings and contributions to training programmes sponsored by national, intergovernmental and non-governmental organizations in the field of oceans and the law of the sea; and manage the Hamilton Shirley Amerasinghe Memorial Fellowship and the Nippon Foundation of Japan Fellowship Programme. In particular, in light of the recognition by the Consultative Process and the General Assembly that the improved application of an ecosystem approach will require, inter alia, capacity-building particularly in developing countries, including small island developing States and coastal African States,[190] the Division has developed and validated training manuals on "Developing and implementing ecosystem approaches to the management of ocean-related activities" and on the "Development, implementation, and management of marine protected areas".

163. The World Bank reported that it was involved in supporting a growing number of integrated coastal management and marine protected area projects. In relation to the need for better integration of science in marine resources management, the Bank, in partnership with the Global Environment Facility, supported the programme on global coral reef targeted research and capacity-building for management, which investigated the effects of climate change on corals and

[187] Resolution 63/111, paras. 14, 15, 53 and 61.

[188] Resolutions 56/12, preamble and para. 29 and 63/111, para. 64.

[189] See note 88 above.

[190] A/61/156, para. 8 (a); and resolution 61/222.

ecosystem management. The programme included over 100 scientists and 40 research institutions from developing and developed countries. The Bank also supported projects aimed at good agricultural practices to control erosion and nutrient runoff, as well as sustainable fisheries management, notably in sub-Saharan Africa; more projects were under discussion for Kenya, the Adriatic Sea and India. The African Ministerial Conference on the Environment reported that in respect of the western Indian Ocean, training activities on the management of marine protected areas were organized in cooperation with various partners. FAO reported on its training activities for planning and implementing the ecosystem approach to fisheries (see para. 148 above). The secretariat of the Convention on Biological Diversity reported that in its decision IX/7 (Ecosystem approach) the Conference of the Parties to the Convention had recognized that capacity-building remained a priority (see para. 143 above).

164. IOC reported that it provided assistance to States in the area of marine science through its "Training, education and mutual assistance" initiative.[191] ISA, referring to article 143 of the United Nations Convention on the Law of the Sea, highlighted its capacity-building efforts through technical assistance and access to marine scientific research projects for scientists from developing countries. It also referred to the endowment fund for marine scientific research in the Area (see also para. 54 above). OSPAR expressed the view that in practice it was difficult to point out where the Consultative Process had facilitated transfer of knowledge and technology from either OSPAR or the Bonn Agreement to developing countries. It was hoped that it might be achieved through a "twinning" arrangement (OSPAR and the Abidjan Convention), but such an arrangement had not been operationalized.

165. Canada recalled that during the discussions on marine scientific research and transfer of marine technology at the second meeting of the Consultative Process, a number of delegations had mentioned an urgent challenge in terms of providing developing countries with adequate funding and technical assistance for the submission of technical and scientific data with respect to their extended continental shelf to the Commission on the Limits of the Continental Shelf, in accordance with article 76 of the United Nations Convention on the Law of the Sea. Thereafter, in 2002, the General Assembly had called upon UNEP to expand the capacity of existing centres within the Global Resource Information Database network to assist developing States and small island developing States in completing the activities required to delineate the outer limits of the continental shelf. To date, the UNEP shelf programme had been actively engaged with over 60 countries, providing assistance to build technical capacity related to the delineation process.

166. Past reports of the Secretary-General on oceans and the law of the sea have provided information on the training courses organized by the Division for Ocean Affairs and the Law of the Sea at the regional and subregional levels, in cooperation with States and relevant international organizations and institutions, to train staff of coastal developing States in the delineation of the outer limits of the continental shelf beyond 200 nautical miles and in the preparation of submissions to the Commission on the Limits of the Continental Shelf, as also noted with appreciation by the General Assembly.[192]

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[191] A/59/62/Add.1, para. 136.

[192] Most recently in resolution 63/111, para. 21.

167. With respect to capacity-building activities to promote more responsible and sustainable fisheries, FAO reported that its activity had been reinforced by the discussions at the Consultative Process. It had delivered a number of capacity-building activities at the regional and national levels and participated in a wide range of capacity-building activities organized by others, particularly to support the implementation of the 2001 International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, the 2005 Model Scheme on Port State Measures and more effective monitoring, control and surveillance programmes. In 2002, it had published technical guidelines on illegal, unreported and unregulated fishing. FAO believed that insufficient funding to fully support capacity-building activities was one of the impediments in the fight against illegal, unreported and unregulated fishing.

168. The World Bank reported that its assistance activities to developing countries, including on sustainable fisheries through the Global Programme on Fisheries in close cooperation with FAO, WorldFish Center and the Global Environment Facility, were directly related to the implementation of General Assembly resolutions.

169. WCPFC reported that in 2008, developing States members of the Commission had started to draw increasingly upon the Assistance Fund under Part VII of the 1995 Fish Stocks Agreement in order to support meeting attendance and research on turtle by-catch mitigation in the western and central Pacific Ocean.

170. FAO drew attention to the inadequate human and financial resources to address the economic and social impacts of marine pollution and degradation, especially in coastal areas, in a more systematic and in-depth manner. With respect to activities aimed at reducing abandoned, lost or otherwise discarded fishing gear, it reported on a number of actions it had taken (see para. 105 above), but also highlighted the lack of funding to support national and regional capacity-building, long-term monitoring in regions of the world with little available data, implementation of economic incentives and development and utilization of technologies to reduce losses.

171. Recent capacity-building activities relating to maritime safety, as described in the contributions, include the efforts by the International Hydrographic Bureau to build the hydrographic capacity of States (see para. 123 above) and those of ILO aimed at promoting ratification and implementation of the Maritime Labour Convention through the Maritime Convention Action Plan 2006-2011.[193] An Asian regional seminar on the ILO Work in Fishing Convention, hosted by the Republic of Korea, was held in September 2008. Additional subregional and national activities were held in Africa and Latin America as part of technical cooperation activities funded by Spain. ILO also continued its cooperation with FAO and IMO to develop publications on improving the safety and health of fishers.

172. A number of organizations also provided information on their capacity-building activities relating to maritime security. UNODC reported that it implemented a range of programmes to assist States in relation to the Convention on Transnational Organized Crime and its Protocols, and international instruments relating to terrorism. The Counter-Terrorism Executive Directorate reported that it assisted States in implementing the counter-terrorism instruments and the International Code for the Security of Ships and Port Facilities. WCO drew attention

[193] See www.ilo.org/global/What_we_do/InternationalLabourStandards/MaritimeLabour Convention/lang--en/docName--WCMS_088034/index.htm.

to the fact that the UNODC-WCO Container Control Programme was aimed at minimizing the risk of maritime containers being exploited and used for illicit drug trafficking, transnational organized crime and other criminal activities. It also created new tools and mechanisms for the collection, sharing and analysis of information on container crime. The Arab League noted that the Arab Academy for Science and Technology and Maritime Transport provided capacity-building on maritime security issues.

173. As regards piracy off the coast of Somalia, programmes under development by IMO,[194] UNODC,[195] UNDP[196] and the United Nations Interregional Crime and Justice Research Institute[197] were aimed at improving the capacities of States in the region to address piracy and other crimes at sea.

174. In its resolutions, the General Assembly has continued to reiterate the essential need for cooperation, including through capacity-building and transfer of marine technology, to ensure that all States, especially developing countries, are able both to implement the United Nations Convention on the Law of the Sea and benefit from the sustainable development of the oceans and seas, as well as to participate fully in global and regional forums and processes dealing with oceans and law of the sea issues; has called upon donor agencies and international financial institutions to keep their programmes systematically under review to ensure the availability in all States, particularly in developing States, of the economic, legal, navigational, scientific and technical skills necessary for the full implementation of the Convention and the objectives of the relevant General Assembly resolutions, as well as the sustainable development of the oceans and seas; and has invited States, in particular those States with advanced technology and marine capabilities, to explore prospects for improving cooperation with, and assistance to, developing States, with a view to better integrating sustainable and effective development in the marine sector into national policies and programmes.[198]

J. Cooperation and coordination

175. Central to the mandate of the Consultative Process as set out in General Assembly resolution 54/33 is the identification of areas where coordination and cooperation at the intergovernmental and inter-agency levels should be enhanced. All nine meetings of the Consultative Process have thus discussed coordination and cooperation as it relates to ocean affairs and the law of the sea, and in particular inter-agency cooperation and coordination (see sect. III.B.2 above). Many of the outcomes of the Consultative Process have been subsequently endorsed by the General Assembly in its resolutions on oceans and the law of the sea.

176. *Action by the General Assembly*. Following the first and second meetings of the Consultative Process, the General Assembly requested the Secretary-General to ensure more effective collaboration and coordination within the Secretariat and the United Nations as a whole, in particular by ensuring the effectiveness, transparency and responsiveness of the Subcommittee on Oceans and Coastal Areas of the

[194] www.imo.org.

[195] Contribution of UNODC. See also www.unodc.org/unodc/en/press/releases/2008-12.16.html.

[196] See www.so.undp.org/index.php/Rule-of-Law-Security.html.

[197] See www.unicri.it/news/0901-2_maritime_piracy/index.php.

[198] Most recently in resolution 63/111, preamble and paras. 9 and 118.

Administrative Committee on Coordination.[199] At the recommendation of the third meeting of the Consultative Process, the Assembly invited the Secretary-General to establish a regular inter-agency coordination mechanism on oceans and coastal issues and specified that the mechanism should have a clear mandate and be established on the basis of principles of continuity, regularity and accountability, taking into account paragraph 49 of part A of the report of the third meeting of the Consultative Process.[200] In addition, the Assembly invited Member States and, where appropriate, competent international organizations, to identify focal points for the exchange of practical and administrative information concerning law of the sea and ocean issues with the Secretariat.[201] In the following year, the General Assembly reiterated its request to the Secretary-General to establish a regular inter-agency coordination mechanism on oceans and coastal issues within the United Nations system inasmuch as the Subcommittee on Oceans and Coastal Areas had been abolished.[202]

177. Following the establishment of UN-Oceans and at the recommendation of the fifth meeting of the Consultative Process, the General Assembly at its fifty-ninth session took note of the establishment of a new inter-agency mechanism and urged close and continuous involvement in UN-Oceans by all relevant United Nations entities, as well the participation of international financial institutions and relevant intergovernmental and other organizations, including ISA and the secretariats of multilateral environmental agreements.[203]

178. Following the sixth meeting, the General Assembly encouraged States to work closely with and through international organizations, funds and programmes, as well as specialized agencies of the United Nations system and relevant secretariats of international conventions, to identify emerging areas of focus for improved coordination and cooperation and how best to address those issues. It welcomed the work done by the various secretariats to enhance inter-agency cooperation and coordination on ocean issues, including through UN-Oceans, while encouraging continued updates by UN-Oceans to Member States on its priorities, initiatives and proposed participation.[204] In subsequent resolutions on oceans and the law of the sea the General Assembly has reiterated these requests.[205]

179. Apart from the outcomes of the Consultative Process relating to UN-Oceans, the General Assembly has also drawn upon the recommendations of the Consultative Process at its fourth meeting relating to a regular process. At its fifty-eighth session, the Assembly requested the Secretary-General to convene: (a) a group of experts to prepare a draft document with details on the scope, general framework and outline of the regular process, peer review, secretariat, capacity-building and funding; (b) an international workshop in conjunction with the fifth meeting of the Consultative Process to further consider and review the draft document; and (c) an

[199] Resolutions 55/7, para. 42 and 56/12, para. 49.
[200] Resolutions 57/141, paras. 63 and 64 and 58/240, para. 69, as well as A/57/80.
[201] Resolution 57/141, para. 65.
[202] Resolution 58/240, para. 69.
[203] Resolution 59/24, paras. 93 and 94.
[204] Resolution 60/30, paras. 104, 106 and 107.
[205] Resolutions 61/222, paras. 124, 126 and 127; 62/215, paras. 142, 144 and 145; and 63/111, paras. 166, 168 and 169.

intergovernmental meeting to finalize and adopt the document and formally establish the regular process.[206]

180. *Subsequent developments*. Apart from the establishment and work of UN-Oceans, and as pointed out in past annual reports of the Secretary-General on oceans and the law of the sea, there are a number of formal and informal mechanisms for cooperation and coordination in the field of ocean affairs and the law of the sea. Some of those mechanisms are open not only to organizations of the United Nations system, but also to other intergovernmental organizations, Governments and non-governmental organizations. Examples of mechanisms which have broad membership and include some or all of the aforementioned entities include the Joint Group of Experts on the Scientific Aspects of Marine Environmental Protection; the Consultative Group on Flag State Implementation; the Aquatic Sciences and Fisheries Abstracts; the "assessment of assessments", a preparatory stage towards the establishment of a regular process;[207] and the United Nations Atlas of the Oceans.[208]

181. In its contribution, the United States of America stated that the Consultative Process, by identifying a broad range of topics regarding environment and development in marine and coastal areas, had contributed to identifying areas where coordination and cooperation at the intergovernmental and inter-agency levels should be enhanced.

182. In the view of FAO the lack of clarity concerning the responsibilities and competences of international organizations, including United Nations agencies, in dealing with problems affecting the marine environment had led to overlap and inadequate coordination among those organizations.

V. Summaries of views presented on the achievements and shortcomings of the Consultative Process

183. This section provides a summary of views expressed at previous meetings of the Consultative Process and in the contributions to the present report regarding the achievements and shortcomings of the Consultative Process. The views expressed on achievements and shortcomings in relation to the implementation of the outcomes of the Consultative Process are summarized in section IV above.

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[206] Resolution 58/240, paras. 64-66.

[207] The lead agencies of the "assessment of assessments" are UNEP and IOC.

[208] The United Nations Atlas of the Oceans was initially funded by the United Nations Foundation. In addition, six United Nations agencies (FAO, IAEA, IMO, UNEP, WMO and IOC) committed financial resources to the project, joined by the secretariat of the Convention on Biological Diversity. The United Nations Atlas of the Oceans is an Internet portal providing information relevant to the sustainable development of the oceans. It is designed for policymakers who need to become familiar with ocean issues and for scientists, students and resource managers who need access to databases and information on approaches to sustainability. The original partnership has expanded to include the Census on Marine Life, ISA, the Head Department of Navigation and Oceanography of the Ministry of Defence of the Russian Federation, the National Geographic Society, the United States National Oceanic and Atmospheric Administration, the World Ocean Observatory and the World Resources Institute.

A. Mandate

184. At the meetings of the Consultative Process and in the contributions, a variety of views were expressed regarding the mandate. At the second meeting, several delegations pointed out that it was important to avoid engaging in debates falling beyond the mandate of the Consultative Process.[209] At the third meeting, delegations emphasized that the Consultative Process should take place within the framework established by the Convention.[210] At the ninth meeting, several delegations recalled that the General Assembly, in its resolution 54/33, had established the Consultative Process consistent with the legal framework provided by the Convention and the goals of chapter 17 of Agenda 21, and had endorsed the recommendations of the Commission on Sustainable Development on international coordination and cooperation in relation to oceans and seas. They contended that if the mandate of the Consultative Process were to be renewed, the meeting should concentrate on issues that were relevant to sustainable development.[211]

185. In their contributions, some States and international organizations pointed out that many of the topics discussed by the Consultative Process had been relevant in the context of sustainable development.[212] Indonesia expressed the view that although it was essential to focus on sustainable development relating to the use of oceans, the Consultative Process should not lose the focus to discuss, in a comprehensive manner, any other ocean issues, especially in the light of technological developments that were unforeseen at the time of the adoption of the Convention and States' unilateral practice that might affect existing norms and customary law of the sea as attested to and codified in the Convention. Mexico underlined that the Consultative Process had been established under General Assembly resolution 54/33 with a very precise objective. The Consultative Process should act in concert with the Convention to formulate suggestions to the Assembly on questions that it should examine. It should serve as catalyst for the analysis of specific issues by the Assembly. Taking into account the primacy of the Convention, the Consultative Process could consider subjects relating to the law of the sea while avoiding duplication in forums with similar thematic mandates. Canada pointed out in its contribution that there was no duplication of effort even when the topics considered by the Consultative Process played across other forums because of its unique integrative role.

186. Regarding the interval for the renewal of the mandate of the Consultative Process, several delegations at the ninth meeting expressed their support for a three-year interval, while some delegations suggested that the mandate of the Consultative Process should be reviewed on an annual basis. One delegation, noting the current schedule of the Commission on Sustainable Development to review oceans and seas in 2014, indicated that the mandate of the Consultative Process should be renewed at least until then.[213]

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[209] A/56/121, part B, para. 13.
[210] A/57/80, part B, para. 17.
[211] A/63/174, para. 22.
[212] Contributions of Canada, the United States of America, the Department of Economic and Social Affairs, the European Investment Bank, the Helsinki Commission, IUCN, UNEP and UNIDO.
[213] A/63/174, paras. 21 and 22.

187. Mexico in its contribution proposed reviewing the periodicity of the meetings of the Consultative Process so as to arrive at a format that would permit an in-depth analysis of the topics, resulting in better recommendations to the General Assembly. The Russian Federation suggested that the practice of convening meetings of the Consultative Process within the framework of the mandate established by General Assembly resolution 54/33 should be continued. The United States suggested renewing the mandate in three-year increments and deciding on topics of meetings at the time of the renewal of the mandate to facilitate the selection of panellists and speakers. In that regard, it welcomed discussion of the suggestion for future meeting themes proposed by Brazil and others (see also sect. F below).

B. Contributions of the Consultative Process to the General Assembly

188. The importance and contribution of the Consultative Process to the General Assembly's annual review of ocean affairs has been consistently highlighted during the meetings of the Consultative Process. For instance, at the third meeting, a number of delegations stated that the Process had had a reinvigorating effect on the General Assembly's debates on oceans and the law of the sea, which had become more focused and relevant. In their view, the Process had achieved its goal: to facilitate an in-depth annual review by the Assembly of developments in ocean affairs in a constructive and effective manner. Delegations stated that in addition to the widened and deepened debate in the General Assembly on oceans and the law of the sea, the enriched resolutions of the Assembly on the item were testimony to the value of the work of the Process. At the same time, it was noted that there was room for improvements and enhancements, both substantive and procedural, that would yield better results (see paras. 194, 200 and 202 below),[214] as also noted in the contributions of several States and organizations.[215] The contribution of the Consultative Process to strengthening the annual debate of the General Assembly on oceans and the law of the sea has also been confirmed by the General Assembly.[216] It has further been emphasized in several contributions.[217] Norway and the United States pointed out that the meetings of the Consultative Process had in most cases developed consensual texts for consideration by the General Assembly on a broad range of topics. Norway indicated that such output had been of value during the negotiations on the draft resolutions on oceans and the law of the sea and on sustainable fisheries. Several States underlined that many elements resulting from the Consultative Process had been incorporated into relevant General Assembly resolutions,[218] notwithstanding, as Canada observed, that the Consultative Process was a "consultative" process and was never intended to prejudge issues and

[214] See for example, A/56/121, part B, para. 9; A/57/80, part B, paras. 21-23; A/60/99, para. 24; A/61/156, para. 17; A/62/169, para. 12; and A/63/174, para. 21.

[215] Contributions of Australia, Canada, the European Union and the European Community, Indonesia, New Zealand, Norway, Mexico, the United States, IUCN, North East Atlantic Fisheries Commission and OSPAR.

[216] Resolutions 57/141, para. 60; 60/30, preamble and para. 99; 61/222, preamble; 62/215, preamble; 63/111, preamble and para. 160.

[217] Contributions of Australia, Canada, the European Union and the European Community, Indonesia, Norway, the United States, the European Environment Agency, IUCN, OSPAR and UNEP.

[218] Contributions of Canada, the Russian Federation and the United States.

decisions made by other forums including the General Assembly. Canada and IUCN indicated that the Consultative Process had reached far beyond the General Assembly directly to the international community.

189. At several meetings of the Consultative Process and in the contributions of several States, the role of the Consultative Process in promoting cooperation and coordination at the inter-agency and intergovernmental levels was also highlighted (see para. 181 above).[219] Recently the General Assembly welcomed the contribution of the Consultative Process to improving coordination and cooperation among States.[220] Some States and international organizations stressed the importance of continuously strengthening international coordination and cooperation between States and international organizations (see also para. 153 and 182 above).[221]

C. Issues considered by the Consultative Process

190. At several meetings of the Consultative Process and in the submissions to the present report, the valuable contribution of the Consultative Process to achieving a more integrated approach to all ocean issues, including global oceans governance, was emphasized.[222] For instance, at the second meeting, the unique character of the Consultative Process within the United Nations system was underlined.[223] At the third meeting, some delegations expressed the view that the Consultative Process was the only forum where the multiple aspects of ocean issues could be examined and discussed in an integrated manner and that it had provided substantial input for a better understanding of the oceans, highlighting issues for common action.[224] Several delegations specifically underlined that the Consultative Process should not become institutionalized or bureaucratic and maintain its informality and flexibility and continue to address the many aspects of ocean affairs in an integrated manner.[225]

191. The unique character and role of the Consultative Process was also underlined in several contributions.[226] It was pointed out that the Consultative Process had highlighted ocean-related issues,[227] challenges and barriers to policy implementation,[228] issues for common action and ways in which coordination and

[219] A/56/121, part B, para. 8; A/59/122, para. 26; A/60/99, para. 24; A/61/156, para. 17; A/62/169, para. 12. Contributions of Australia, Canada, the European Union and the European Community, Indonesia, Norway and the United States.

[220] Resolution 63/111, para.160.

[221] Contributions of Australia, Indonesia, the European Union and the European Community, FAO and IUCN.

[222] A/56/121, part B, para. 8; A/57/80, part B, para. 22; A/58/95, para. 30; A/59/122, para. 26; A/60/99, para. 24; A/63/174, para. 21. Contributions of Australia, Canada, the European Union and the European Community, New Zealand and ISA.

[223] A/56/121, part B, para. 10.

[224] A/57/80, part B, para. 22.

[225] A/57/80, part B, para. 24; see also A/56/121, part B, para. 10.

[226] Contributions of Canada, the European Union and the European Community, Norway and OSPAR.

[227] Contributions of Australia, Canada, the European Union and the European Community, New Zealand, Norway, the Russian Federation, the United States, the European Environment Agency, the European Investment Bank and UNEP.

[228] Contributions of the European Union and the European Community, the Department of Economic and Social Affairs, the Helsinki Commission and UNEP.

cooperation at the intergovernmental and inter-agency levels could be enhanced.[229] It was further underlined that the Consultative Process had identified cross-cutting issues,[230] and addressed current, emerging and priority issues.[231] FAO and the Helsinki Commission highlighted that the Consultative Process had assisted in setting priorities for future action and/or strengthened the feeling of urgency in dealing with them (see also paras. 62, 63, 105, 144 and 148 above). Canada in its contribution pointed out that the Consultative Process had tackled both mature and emerging issues, conscious that acquiring common information was a first step in advancing a policy discussion on an emerging issue. The discussions at the seventh, eighth and ninth meetings had contributed to a "demystification" of the topics of focus and thus assisted debates in other forums, where issues had possibly stalled due to lack of understanding or agreement, or where further understanding and cooperation was required. Despite the plurality of topics, the Consultative Process had identified not only areas where further commitments were needed and cooperation and coordination should be enhanced, but also where the existing commitments needed to be built upon. It had provided a basis for detailed outcomes and further commitments. The Russian Federation expressed the view that the discussions in the Consultative Process had significantly contributed to the understanding of trends and problems of the current law of the sea and contributed to its further progressive development. Canada and the United States underscored that the Consultative Process had informed domestic discussions on oceans and marine-related policy issues. Several organizations provided examples of how the Consultative Process had facilitated their work.[232]

192. The European Union and the European Community observed that the Consultative Process sessions had been of greater interest and their outcomes of greater importance when they had addressed economic, social or environmental issues on oceans which also had a transversal and cross-sectoral dimension and that were dealt with by several international bodies. The North East Atlantic Fisheries Commission indicated that the topics of the Consultative Process had been focused on fisheries and especially deep-sea fisheries and not on challenges from other uses of the seas. It also noted the lack of presentations at meetings of the Consultative Process by real practitioners of stock assessments and providers of scientific advice to States and regional fisheries management organizations. Consequently, the Commission felt that scientific information and documentation were biased towards evidence supporting campaigning, rather than independent scientific evidence.

D. Participation in the Consultative Process

193. The importance of the participation of developing countries, in particular least developed countries, small island developing States and landlocked States, was emphasized at the first, third and sixth meetings of the Consultative Process.[233]

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[229] A/57/80, part B, para. 22. Contributions of Australia, Canada, the European Union and the European Community, the United States and UNIDO.

[230] A/61/156, para. 17; A/62/169, para. 12; A/63/174, para. 21. Contributions of Australia, the European Union and the European Community and OSPAR.

[231] A/55/274, part B, para. 7. Contributions of Australia, Canada, the Russian Federation, the United States, the Helsinki Commission, UNEP and OSPAR.

[232] Contributions of ISA, IUCN, the Helsinki Commission, UNEP, UNHCR and UNIDO.

[233] A/55/274, part A, para. 48; A/57/80, part B, para. 23; A/60/99, para. 26.

Australia underlined that the Consultative Process would benefit from a greater proportion of capital-based oceans experts and that greater attention could be given to encouraging more attendance by experts from developing countries. Canada indicated that balanced representation in the Consultative Process was a paramount consideration for States. External factors affecting such participation, such as funding and visa requirements, could not be disregarded. Canada had tried to help in addressing particularly the lack of resources but the terms and conditions of Canada's funding as well as those in the United Nations had made it impossible to do so. Canada hoped that enhanced efforts would be made to simplify the funding process and publicize the mission of the voluntary trust fund (see para. 20 above) widely.

194. Previous meetings and several contributions highlighted the inclusiveness and open-ended nature of the Consultative Process, which encouraged the participation of intergovernmental organizations, non-governmental organizations and industry representatives (see also para. 189 above).[234] At the third meeting, the need for participation and input from regional cooperation mechanisms and agreements in the field of oceans and the conservation of marine resources was raised.[235] At the sixth meeting, several delegations noted the need for more experts and active participation and input from competent international organizations, including non-United Nations organizations.[236]

195. In several contributions, it was noted that the Consultative Process had provided a forum for the exchange of information among legal and scientific experts, policymakers and other stakeholders, which had enriched the debate.[237] Canada and OSPAR observed that the involvement of non-governmental organizations had increased public scrutiny and informed Governments of emerging issues in civil society. OSPAR indicated that the Consultative Process had enabled regional conventions to contribute to the global agenda and that the topics covered continued to be on the agendas of regional conventions.

196. The European Union and the European Community proposed that the tenth meeting of the Consultative Process should consider how to ensure the continued and effective participation by relevant intergovernmental and non-governmental organizations. The North East Atlantic Fisheries Commission, in its contribution, explained that the representation of regional fisheries bodies in past meetings of the Consultative Process had been inconsistent because discussions in the Consultative Process were seen as duplicating those already taking place within FAO. It suggested that effective communication of the discussions in FAO, its Committee on Fisheries and the regional fisheries bodies' meetings to the Consultative Process should form the basis of its discussions. Regarding the representation of civil society, the Commission, acknowledging the difficulties of involving civil society and stakeholders in a global discussion, pointed out that regional and local discussion had a better chance of reaching the correct balance in decision-making. The Commission observed that the connection between civil society and the

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[234] A/58/95, para. 30; A/60/99, para. 24; A/63/174, para. 21. Contributions of Australia, Canada, the European Union and the European Community, Norway, the Russian Federation, the European Environment Agency and OSPAR.

[235] A/57/80, part B, para. 23.

[236] A/60/99, para. 26.

[237] Contributions of Australia, Canada, the European Union and the European Community, Norway, the Russian Federation, the United States, ISA, IUCN, UNEP and UNHCR.

non-governmental organizations having a strong presence at the Consultative Process could be quite weak.

E. Methods of work

197. At the sixth meeting, delegations expressed the view that the format of the Consultative Process required improvement.[238] Subsequently the General Assembly has consistently recognized the need to strengthen and improve the efficiency of the Consultative Process and encouraged States, intergovernmental organizations and programmes to provide guidance to the co-chairpersons to this effect, particularly before and during the preparatory meeting of the Consultative Process.[239]

198. Various comments and suggestions were made during previous meetings regarding the method of work. For example, at the sixth meeting several delegations pointed out that the meeting agenda was not sufficiently focused and proposed making available before the meeting information on the nature and focus of the presentations (see para. 19 above).[240]

199. The need for early preparations for the meetings has also been underlined at previous meetings. For example, at the eighth meeting, several delegations proposed starting the preparations for the ninth meeting earlier, such as the appointment of co-chairpersons and identification of panellists, since the topic had already been decided on by the General Assembly. It was noted that early planning would also allow States, in particular developing States, time to propose panellists so as to ensure more equitable geographic representation. In this regard, the co-chairpersons underlined the difficulties they had experienced in securing panellists for the topic of the eighth meeting, including travel-related difficulties and lack of funding.[241] At the ninth meeting, one delegation observed that the early selection of topics had permitted thorough preparation for meetings.

200. A number of delegations at the third meeting had stressed the importance of avoidance of repetition of previous statements and called for a focused debate on the subjects.[242] At the sixth meeting, several delegations expressed their dissatisfaction with the limited time for the consideration of the elements to be suggested to the General Assembly.[243] During the eighth meeting, some delegations regretted that the negotiation of the elements on the last day was always protracted and disadvantaged small delegations or those who could not be present through the entire time of the negotiations.[244]

201. Norway indicated that it had been mostly satisfied with the organization of the meetings over the past few years. It expressed the view that the meetings should be informal yet conducted in a way that made it possible to produce input to the General Assembly according to the mandate of the Consultative Process, and that there were limits as to how strict the structure of the Consultative Process could be

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[238] A/60/99, para. 24.
[239] Resolutions 60/30, para. 100; 61/222, para. 121; 62/215, para. 138; and 63/111, para. 161.
[240] A/60/99, para. 26.
[241] A/62/169, para. 11.
[242] A/57/80, part B, para. 19.
[243] A/60/99, para. 27.
[244] A/62/169, para. 13.

before it lost some of its value as an open and informal meeting place. IUCN considered that previous meetings had struck a useful balance between the time devoted to the selected topics, to new developments on the conservation and sustainable use of oceans and to follow-up of previous topics as necessary. OSPAR observed that the mechanism of co-chairing had proven essential. It suggested that rather than inviting a wide range of views on topics of focus, the co-chairpersons could pose more a specific policy-related question and seek examples of case studies. Mexico suggested that the co-chair mechanism should facilitate discussion rather than replace it. The European Union and the European Community proposed addressing at the tenth meeting whether improvements could be made in the organization of the meetings. They also proposed discussing at the meeting how to select topics so as to ensure both predictability, which facilitated preparations, as well as time for discussion of current issues.

202. *Outcome*. At previous meetings of the Consultative Process, many delegations addressed the nature of the outcomes of the Consultative Process. At the third meeting, a number of delegations called for concrete recommendations.[245] At the sixth meeting, some delegations stated that rather than negotiating a text word for word the meeting should focus on suggesting elements that reflected different views. Other delegations considered that the General Assembly was best served by a negotiated text, but more time was needed for discussion of the elements.[246] At the ninth meeting, several delegations stated that the Consultative Process should not pre-empt a comprehensive debate on the same issues during the General Assembly and that its focus should be on recommending issues rather than specific language for General Assembly resolutions. Some delegations underlined that the emphasis in the Consultative Process should not be on the negotiation of elements but rather on an exchange of views.[247]

203. New Zealand pointed out that the informal character of the Consultative Process was intended to orient it towards issue identification and collaborative solution-focused expert discussion, rather than the formal deliberation and decision-making that was properly the function of the relevant national, regional and global organizations. At the same time, the overview provided by the Consultative Process was intended to help identify issues which would benefit from enhanced coordination and cooperation. Australia in its contribution suggested the negotiation of general outputs or a move towards a co-chairs' report for use in the informal consultations on the resolutions of the General Assembly.

204. Norway expressed the view that the Consultative Process should continue to produce consensual input to the General Assembly, while it would always be up to the General Assembly to decide whether to follow up on the input or not. The United States recommended a page, or paragraph, limit on consensual language, while leaving more detailed information to be included in another section of the report of the meeting, although it considered that such judgments were probably best left to the co-chairpersons of the meetings. The European Union and the European Community proposed that the tenth meeting of the Consultative Process consider what type of outcomes delegations want from the meetings of the Consultative Process.

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[245] A/57/80, part B, para. 19.

[246] A/60/99, para. 27.

[247] A/63/174, para. 23.

205. OSPAR suggested drafting clear conclusions to facilitate practical enhancement of cooperation, coordination and technical capacity for ocean conservation. IUCN regarded it useful, insofar as possible, to report on the presentations and discussions on each theme in a manner that identified scientific knowledge and gaps, tools and measures to address the concerns discussed and further needs for coordination and cooperation. Such reporting could highlight future needs and options beyond the agreed elements. Capacity-building needs regarding each theme could also form a distinct section of the report.

F. Follow-up of the outcomes of the Consultative Process and proposals for the focus of future discussions at its meetings

206. At the third and fourth meetings, a number of delegations proposed that the Consultative Process regularly review the progress made on previous issues.[248] At the former meeting, several delegations proposed that the Secretary-General inform the Consultative Process about the follow-up to its recommendations, in particular those reflected in the General Assembly resolutions.[249] In addition, over the past nine meetings, a number of issues that could benefit from attention in the future work of the General Assembly have been suggested by delegations.[250]

207. In its contribution, Australia expressed the view that the Consultative Process might have a useful role to play in reviewing the General Assembly's resolutions and the response in the United Nations system and among States. The United States pointed out that it was difficult to gauge the success of the implementation of requests or recommendations adopted by the General Assembly upon the suggestion of the Consultative Process because such information had not been tracked systemically; it thus proposed that the Consultative Process devote some meeting time to assessing progress in this regard and to evaluating means to facilitate such progress. Indonesia proposed that some of the issues from previous meetings needed to be reflected in future discussions of the Consultative Process.[251] IUCN suggested that topics and future meetings should enhance cooperation, coordination and technical capacity for ocean conservation and sustainable use. It proposed that the Consultative Process could also examine and encourage, assist and assess progress towards the implementation of the Convention and specific steps called for in

[248] A/57/80, part B, para. 23 and A/58/95, para. 30.

[249] A/57/80, part B, para. 24.

[250] A list of suggested issues is included in the reports of the meeting. A composite streamlined list of all the issues that have been proposed is made available before the meetings of the Consultative Process and is also posted on the website of the Division for Ocean Affairs and the Law of the Sea.

[251] Indonesia identified the following issues: responsible fisheries and illegal, unreported and unregulated fishing; the economic and social impacts of marine pollution and degradation, especially in coastal areas; coordination and cooperation in combating piracy and armed robbery at sea; protection and preservation of the marine environment; capacity-building, regional cooperation and coordination; integrated ocean management; and cross-cutting issues such as marine science and the transfer of technology; sustainable fisheries; the degradation of the marine environment; the safety of navigation, including capacity-building for the production of nautical charts; protection of vulnerable marine ecosystems; new sustainable uses of the oceans, including the conservation and management of biological diversity of the seabed in areas beyond national jurisdiction; fisheries and their contribution to sustainable development; ecosystem approaches; marine genetic resources; and maritime security and safety.

General Assembly resolutions. On the basis of General Assembly resolution 63/111, IUCN identified some topics that the Consultative Process could discuss in the future.[252]

208. The European Union and the European Community expressed the view that the Consultative Process could certainly add value to sectoral and technical work, improve coherence and prepare the ground for the General Assembly to decide on further actions and enhanced cooperation. OSPAR proposed that future meetings should provide more than a simple update of scientific progress, but should explore measures to enhance the ability of all States, in particular developing States. Further work was needed on the actual extent of implementation, compliance and enforcement in relation to several of the topics covered. OSPAR expressed the hope that the tenth meeting could help develop a sufficiently clear idea of ocean priorities and strategic directions, given available resources, in the context of climate change, which many regional conventions struggled to establish.

[252] IUCN indicated that some topics that could benefit from discussion were a better understanding of the effects of climate change on the marine environment and marine biodiversity and ways and means of adaptation (from para. 100 of resolution 63/111), the development of environmental impact assessment procedures covering planned (or ongoing) activities that may cause substantial pollution of or significant and harmful changes to the marine environment (from para. 102), or the spreading of hypoxic dead zones in oceans as a result of eutrophication (from para. 112).

Annex

List of agreed elements of the Consultative Process and corresponding paragraphs in General Assembly resolutions, as well as agreed elements that were not included in resolutions of the General Assembly

Report of the Consultative Process	*General Assembly resolutions*[a]			*Agreed elements not specifically included in General Assembly resolutions*[b]
A/55/274 (2000)	Resolution 55/7	Resolution 55/8		
	1/***P11***, 2/***P4***, 4/***P7***, 5/***P7***, 6/***22***, 7/***23***, 8/***22***, 21/***P18***, 22/***P19***, 22/***32***, 24/***25***, 25/***27***, 26/***P15***, 26/***P16***, 27/***28***, 28/***28***, 29/***P17***, 30/***27***, 31/***27***, 32/***29***, 34/***30***, 35/***29***, 37/***26***, 39/***P18***, 39/***P19***, 40/***32***, 41/***32***, 46/***P20***, 47/***33***, 47/***34***, 48/***45***, 49/***42***, 50/***42***	9/**P14**, 10/***12***, 11/***17***, 12/***P16***, 13/***13***, 15/***18***, 16/***19***, 17/***6***, 19/***22***, 20/***23***, 21/***21***, 22/***21***		3, 14, 18, 23, 33, 36, 38, 42, 43, 44, 45
A/56/121 (2001)	Resolution 56/12	Resolution 56/13		
	1/***34***, 2/***36***, 2/***37***, 3/***P15***, 4/***P16***, 4/***P18***, 5/***P15***, 6/***25***, 7/***P18***, 9/***25***, 10/***25***, 11/***42***, 12/***P16***, 12/***26***, 13/***25***, 15/***21***, 15/***22***, 15/***23***, 16/***P17***, 18/***23***, 20/***22***, 20/***26***, 21/***26***, 24/***P15***, 24/***28***, 25/***28***, 26/***28***, 27/***P15***, 27/***25***, 29/***24***, 30/***24***, 32/***P6***, 33/***27***, 34/***27***, 37/***27***, 39/***27***, 47/***36***, 48/***P15***, 49/***P21***, 50/***33***, 52/***P19***, 54/***P20***, 56/***31***, 57/***P20***, 57/***31***, 58/***29***, 59/***29***, 60/***29***, 61/***29***, 62/***32***, 63/***32***, 65/***29***, 65/***30***, 66/***29***, 66/***31***, 67/***29***, 67/***31***, 68/***29***, 70/***49***	1/**P16**, 1/**15**		8, 14, 17, 19, 22, 23, 28, 31, 35, 36, 38, 40, 41, 42, 43, 44, 45, 46, 51, 53, 55, 64, 69
A/57/280 (2002)	Resolution 57/141	Resolution 57/142	Resolution 57/143	
	8a/***35***, 8b/***P11***, **8c/37**, 8d/***53***, 10a/***P8***, 10b/***57***, 12a/***44***, 12b/***44***, 13/***57***, 16/***45***, 17/***57***, 18/***45***, 20/***56***, 22/***51***, 23/***16***, 24/***45***, 25/***57***, 27/***46***, 28/***46***, 30/***49***, 34/***52***, 43/***6***, 44/***47***, 49/***63***, 49/***64***, 50/***65***	13/***P8***, 17/***P8***, 25/***P7***, 25/***8***, 40/***4***	8c/***10***, 8c/***11***, 8c/***12***, 41/***7***, 41/***P16***	3, 5, 14, 31, 35, 37, 39, 45, 47

Report of the Consultative Process	*General Assembly resolutions*[a]		*Agreed elements not specifically included in General Assembly resolutions*[b]
A/58/95 (2003)	Resolution 58/240	Resolution 58/14	
	4/***6***, 5/***27***, 6/P***14***, 7a/***42***, 7b/***43***, 7c/***44***, 8a/***24***, 8b/***25***, 8c/***P15***, 8d/***37***, 12a/***27***, 12b/***28***, 12c/***29***, 12d/***30***, 12e/***31***, 12f/***32***, 12g/***33***, 12h/***34***, 12i/***33***, 12j/***35***, 14/***6,*** 16a/***48***, 16b/***48***, 16c/***48***, 16e/***48***, 19/***50***, 20a/***51***, 20b/***53***, 20c/***52***, 21a/***56***, 21b/***57***, 21c/***59***, 21d/***57***, 22/***54***, 23/***60***, 24a/***69***, 24b/***29***, 24b/***31***, 25a/***64***, 25b/***64***, 25c/***64a***, 25d/***64e***	12b/***22***, 16b/***45***, 17/***14***, 17a/***5***, 17a/***7***, 17a/***14***, 17b/***P16***, 17b/***18***, 17b/***30***, 17b/***47***, 17b/***48***, 17b/***49***, 17b/***51***, 18a/***54***, 18b/***22***, 18c/***P10***, 20a/***46***	8e, 16d
A/59/122 (2004)	Resolution 59/24	Resolution 59/25	
	3a/***93***, 3b/***94***, 5a/***69***, 5b/***71***, 6a/***70***, 7a/***23***, 7b/***81***, 8/***8***, 8/***10***, 8/***12***, 9/***82,*** 10a/***39***, 10b/***40***, 10c/***41***, 10d/***41***, 10e/***42***, 11/***48***	6a/***66***, 6b/***67***, 6c/***68***, 6d/***71***, 6e/***5***, 6e/***6***, 6e/***20***, 6e/***21***, 6e/***22***, 6e/***23***, 6f/***26***	
A/60/99 (2005)	Resolution 60/30[c]	Resolution 60/31[c]	
	12d/***84***, 12e/87, 15a/***65***, 15b/***65***, 15c/***66***, 15d/***66***, 15e/***12***, 15f/***67***, 15g/***68***, 15h/***70***, 19a/***106***, 19b/***104***	6a/***P1***, 6c/***5***, 6d/***P26***, 6e/***P27***, 6e/***27***, 6f/***12***, 6g/***49***, 6h/***6***, 7b(i)/***58***, 7b(i)/***59***, 7b(ii)/***59***, 7b(iii)/***59***, 7c/***60***, 8a/***84***, 8b/***8***, 8c/***85***, 9a/***38***, 9b/***39***, 9c/***41***, 9d/***2***, 9e/***42***, 9f/***61***, 9g/***40***, 9h/***43***, 9i/***P14***, 9j/***32***, 10a/***P12***, 10a/***P26***, 10b/***44***, 10c/***45***, 10d/***61***, 10e/***62***, 10f/***46***, 11a/***69***, 11b/***71***, 11c/***70***, 11d/***74***, 11e/***75***, 11f/***72***, 11g/***53***, 11h/***7***, 12a/***65***, 12b/***66***, 12c/***64***, 13a/***86***, 13b/***87***, 13c/***88***, 14/***P17***, 16/***77***, 16a/***78***, 16b/***79***, 16c/***79***, 16d/***79***, 16e/***78***, 16f/***78***, 16g/***80***, 16h/***81***, 16i/***82***	6b, 7a, 17
A/61/156 (2006)	Resolution 61/222	Resolution 61/185	
	3/***119a***, 4/***119b***, 5a/***119c***, 5b/***119d***, 6/***119***, 7/***119***, 8/***119***, 9/***90***	6/***P21***	
A/62/169 (2007)	Resolution 62/215[d]	Resolution 62/177	
	1/***134***, 4/***133***, 7/***135***, 9/***135***, 10/***134***, 12/***136***, 13/***136***		2, 3, 5, 6, 8, 11, 14, 15, 16, 18, 19, 20, 21

Report of the Consultative Process	*General Assembly resolutions*[a]	*Agreed elements not specifically included in General Assembly resolutions*[b]
A/63/174 (2008)	Resolution 63/111	Resolution 63/112
	5a/***53***, 5b/***93***, 5c/***54***, 5d/***14***, 6a/***57***, 6b/***55***, 6c/***56***, 6d/***58***, 7a/***91***, 7b/***90***, 7c/***89***, 7d/***92***, 8a/***60***, 8b/***61***, 9a/***62***, 9a/***72***, 9b/***63***, 9c/***66***, 10a/***73***, 10b/***74***, 10c/***15***, 10d/***75***, 11a/***95***, 11b/***96***, 11c/***84***	10e/***59***

[a] Reference is to the paragraph setting out the agreed element in the report of the Consultative Process/**corresponding paragraph in the General Assembly resolution**. Examples: (i) **1/P1**[c] refers to paragraph 1 in the report of the Consultative Process and preambular paragraph of the General Assembly; (ii) 6/22 refers to paragraph 6 in the report of the Consultative Process and operative paragraph 22 in the General Assembly resolution.

[b] Reference is to the paragraph in the report of the Consultative Process.

[c] Includes elements proposed by the co-chairpersons at the sixth meeting of the Consultative Process on marine debris in 2005.

[d] Elements proposed by the co-chairpersons at the eighth meeting of the Consultative Process on marine genetic resources in 2007.